

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,
ex rel. THE SAINT REGIS
MOHAWK TRIBE,
Plaintiff,
vs. Case No.
02-CV0845
PRESIDENT R.C.-ST. REGIS (TJM) (DEP)
MANAGEMENT COMPANY and
ANDERSON-BLAKE CONSTRUCTION
CORPORATION,
Defendants.

_____ X

DEPOSITION OF RICHARD BELLANDO
Mineola, New York
Thursday, March 25, 2004

Reported by:
DONNA PALMIERI
JOB NO. 1098

<p>Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 March 25, 2004</p> <p>8 10:00 a.m.</p> <p>9</p> <p>10</p> <p>11</p> <p>12 Deposition of RICHARD BELLANDO, held</p> <p>13 at the offices of Meltzer, Lippe &</p> <p>14 Goldstein, LLP, 190 Willis Avenue,</p> <p>15 Mineola, New York, before Donna Palmieri,</p> <p>16 a Notary Public of the State of New York.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3 BARR and ASSOCIATES, P.C.</p> <p>4 Attorneys for Plaintiff</p> <p>5 125 Mountain Road</p> <p>6 Stowe, Vermont 95672</p> <p>7 BY: DANIEL A. SEFF, ESQ.</p> <p>8</p> <p>9</p> <p>10</p> <p>11 MELTZER, LIPPE & GOLDSTEIN, LLP</p> <p>12 Attorneys for Defendant</p> <p>13 President R.C. - Saint Regis</p> <p>14 Management Company</p> <p>15 190 Willis Avenue</p> <p>16 Mineola, New York 11501</p> <p>17 BY: LORETTA M. GASTWIRTH, ESQ.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 4</p> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3 SWIDLER, BERLIN, SHEREFF & FRIEDMAN, LLP</p> <p>4 Attorneys for Defendant</p> <p>5 President R.C. - Saint Regis</p> <p>6 Management Company</p> <p>7 405 Lexington Avenue</p> <p>8 New York, New York 10174</p> <p>9 (Not Present)</p> <p>10</p> <p>11</p> <p>12 LAW OFFICES OF MARLENE L. BUDD, ESQ.</p> <p>13 Attorney for Defendant</p> <p>14 Anderson-Blake Construction Company</p> <p>15 2 Brush Place</p> <p>16 Huntington, New York 11743</p> <p>17 BY: MARLENE L. BUDD, ESQ.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 5</p> <p>1</p> <p>2 - oOo -</p> <p>3 IT IS HEREBY STIPULATED AND AGREED</p> <p>4 by and between the attorneys for the</p> <p>5 respective parties herein, that filing and</p> <p>6 sealing be and the same are hereby waived.</p> <p>7 IT IS FURTHER STIPULATED AND AGREED</p> <p>8 that all objections, except as to the form of</p> <p>9 the question, shall be reserved to the time of</p> <p>10 the trial.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that the within deposition may be sworn to and</p> <p>13 signed before any officer authorized to</p> <p>14 administer an oath, with the same force and</p> <p>15 effect as if signed and sworn to before the</p> <p>16 Court.</p> <p>17</p> <p>18 - oOo -</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Page 6

1 Bellando

2 RICHARD BELLANDO, called as a

3 witness, having been duly sworn by a

4 Notary Public, was examined and testified

5 as follows:

6 EXAMINATION

7 BY MR. SEFF:

8 Q. State your name for the record,

9 please.

10 A. Richard Bellando.

11 Q. What is your address?

12 A. 8 Circle Drive, Farmingdale,

13 New York 11735.

14 Q. Good morning, Mr. Bellando.

15 Have you ever had your deposition

16 taken before?

17 A. Yes.

18 Q. How many times?

19 A. Two times.

20 Q. So you're generally familiar with

21 what a deposition is?

22 A. Correct.

23 Q. There's a lawyer representing a

24 side who asks some questions. You're here as

25 a witness. We'll try not to talk over each

Page 8

1 Bellando

2 medications that could affect your ability to

3 participate today?

4 A. No.

5 Q. What, if anything, did you do to

6 prepare for today's deposition?

7 A. Just spoke to the attorneys.

8 Q. Ms. Budd and Ms. Gastwirth?

9 A. That's correct.

10 Q. Did you speak to them together or

11 separately?

12 A. The first five minutes was

13 Ms. Gastwirth and Marlene came in after.

14 Q. Was that this morning?

15 A. This morning.

16 Q. How long did you speak with them?

17 A. Ten minutes.

18 Q. Did you review any documents to

19 prepare for today?

20 A. I just looked at one document.

21 Q. What document would that be?

22 A. The contract. I believe it was the

23 contract. I'm just trying to --

24 Q. To the best that you can recall,

25 what document did you review?

Page 7

1 Bellando

2 other because our court reporter is typing up

3 what we say; do you understand that?

4 A. Correct.

5 Q. I'll try not to interrupt when

6 you're speaking. Please wait until I finish

7 my question before you answer so the court

8 reporter can take down what we say.

9 A. Right.

10 Q. It's important to answer verbally.

11 If the answer is "yes," don't nod your head.

12 Say "yes" because she can't record a nod; do

13 you understand that?

14 A. Yes.

15 Q. How old are you?

16 A. 38.

17 Q. What is your educational

18 background?

19 A. High school.

20 Q. You're a high school graduate?

21 A. Correct.

22 Q. What year did you graduate high

23 school?

24 A. 1983.

25 Q. Mr. Bellando, are you using any

Page 9

1 Bellando

2 A. I believe it was the contract.

3 Q. When you say "the contract," what

4 are you referring to?

5 A. For the casino.

6 Q. The construction contract?

7 A. The construction contract, AIA

8 contract.

9 Q. The AIA contract for the

10 construction of the casino?

11 A. Yes.

12 Q. You looked at that this morning?

13 A. Yes.

14 Q. With the lawyers?

15 A. Yes.

16 Q. Anything else?

17 A. That's it.

18 Q. Did you review any other documents?

19 A. No.

20 Q. Did you speak with anybody other

21 than the two attorneys here in the room?

22 A. No.

23 Q. How are you currently employed?

24 A. Oheka Management.

25 Q. The name of your employer is Oheka

<p style="text-align: right;">Page 10</p> <p>1 Bellando 2 Management? 3 A. Oheka Management Corporation. 4 Q. What is your title, if any? 5 A. Sales manager. 6 Q. How long have you been employed in 7 that position? 8 A. Five years. 9 Q. So you've been the sales manager at 10 Oheka Management Corporation for five years? 11 A. Correct. 12 Q. So you started there in 1999; is 13 that correct? 14 A. I believe so. I don't recall the 15 time. 16 Q. You said five years, so I'm trying 17 to place the year and the month? 18 A. Could be, maybe. I don't remember. 19 I'd have to look back when I started. 20 Q. You've been there at least five 21 years? 22 A. I'm with the company 20 years. 23 Q. The company Oheka Management 24 Corporation? 25 A. No, with Mr. Melius 20 years.</p>	<p style="text-align: right;">Page 11</p> <p>1 Bellando 2 I'm with Oheka Management, I think, 3 about five years now. 4 Q. Why don't we do it this way then. 5 Maybe this will work. 6 Why don't you describe your 7 employment history since high school starting 8 when you graduated right up to the present. 9 A. Okay. 10 Q. As best as you can, identify the 11 company or companies that you worked for, the 12 job that you had and the years that you held 13 the job. 14 A. All right. I'm going to try and 15 remember. 16 Q. Okay. 17 A. 1983 when I graduated, I started 18 with Castle Ventures. I ran the security. 19 Q. You were in charge of security for 20 Castle Ventures? 21 A. Correct. 22 Q. Beginning in '83? 23 A. Correct. 24 Q. What did that entail? 25 A. Just overseeing the Oheka Castle.</p>
<p style="text-align: right;">Page 12</p> <p>1 Bellando 2 Q. Security? 3 A. Yes. 4 Q. That was the year you graduated 5 high school? 6 A. Correct. 7 Q. So you were roughly 18-years old? 8 A. Correct. 9 Q. And you started out as head of 10 security? 11 A. Yes. 12 Q. What, if any, training had you had 13 then? 14 A. None. 15 Q. What prepared you for that 16 position? 17 A. I threw the owner off the property 18 not knowing he was the owner and he put me in 19 charge of his property. 20 Q. When you say "the owner," you mean 21 Mr. Melius? 22 A. Correct. 23 Q. When you threw Mr. Melius off the 24 property, were you employed by Mr. Melius at 25 the time?</p>	<p style="text-align: right;">Page 13</p> <p>1 Bellando 2 A. Not at that time. I was working 3 for a company Advantage Security. I just 4 filled in for one day for a friend. 5 Q. What was it that prompted you to 6 throw Mr. Melius off the property? 7 A. I was told not to let anyone on the 8 property and I heard there was a new owner and 9 I never met him or saw him, so I wouldn't let 10 him on the property. 11 Q. I see. Okay. 12 He was so impressed with your 13 security concerns that he hired you? 14 A. Correct. 15 Q. And you've been with him ever 16 since? 17 A. Ever since. 18 Q. So 1983, you started working as a 19 head of security for Castle Ventures running 20 security at Oheka, correct? 21 A. Right. 22 Q. How long did you hold that 23 position? 24 A. Probably five years. 25 Q. So that brings us to roughly 1988?</p>

1 **Bellando**
2 A. About.
3 **Q. What was your next position?**
4 A. Then he put me in charge of Oheka
5 for other jobs with security, maintenance. He
6 pretty much kept me in charge of the building
7 while they were renovating.
8 **Q Did you get paid a salary for these**
9 **jobs, is that how you were compensated?**
10 **I'm not going to pry into your**
11 **compensation.**
12 A. By the hour.
13 **Q. If you worked more hours one week**
14 **than another week, you'd get paid more?**
15 A. That's correct.
16 **Q. That's been true for the 20 years?**
17 A. No.
18 **Q. When you worked as head of security**
19 **for Castle Ventures from '83 to '88, you were**
20 **paid by the hour?**
21 A. That's correct.
22 **Q. In '88 you got another position.**
23 **What was your title in the next**
24 **position that you took over, if you had one?**
25 A. Building manager.

1 **Bellando**
2 A. Geez, I guess for a while. Maybe
3 ten years.
4 **Q. By the way, what was your title as**
5 **head of security at Castle Ventures, if you**
6 **had one?**
7 A. I didn't have one.
8 **Q. Didn't have a title?**
9 A. No.
10 **Q. So for about ten years from '88 to**
11 **roughly '98, you were the building manager for**
12 **Oheka Castle; is that right?**
13 A. Correct.
14 **Q. For your job as head of security**
15 **from '83 to roughly '88, your paycheck came**
16 **from Oheka Management Corporation?**
17 A. I don't remember. I don't remember
18 where the paycheck came from, which company.
19 **Q. Do you remember who signed the**
20 **paycheck?**
21 A. I believe it was Mr. Melius.
22 **Q. And it would have been in the name**
23 **of one of Mr. Melius' entities?**
24 A. I believe so.
25 **Q. You said it was Castle Ventures.**

1 **Bellando**
2 **Q. Was that a promotion, over head of**
3 **security?**
4 A. Yes.
5 **Q. Did you get a raise for that?**
6 A. I believe so.
7 **Q. That included security; is that**
8 **right?**
9 A. That's correct.
10 **Q. What about you mentioned**
11 **maintenance?**
12 A. Maintenance, maintaining the
13 building.
14 **Q. What did that entail?**
15 A. Just hiring a crew to make sure the
16 building was cleaned up after the
17 construction, having the property maintained.
18 **Q. So you had people working for you**
19 **or under you, correct?**
20 A. Correct.
21 **Q. That was true when you were head of**
22 **security as well?**
23 A. That's correct.
24 **Q. How long did you hold the position**
25 **of building manager?**

1 **Bellando**
2 **Any reason to think it was an**
3 **entity other than Castle Ventures?**
4 A. Not that I'm aware of.
5 **Q. But you're not sure?**
6 A. I'm not sure.
7 **Q. When you were promoted or when you**
8 **took over the position of building manager,**
9 **were you still paid by the hour?**
10 A. There was a point of time where I
11 went onto salary. I don't remember the year.
12 **Q. You started out as hourly and then**
13 **you became salaried?**
14 A. Yes.
15 **Q. If you remember, who signed your**
16 **paycheck during those roughly ten years that**
17 **you were building manager?**
18 A. I believe it was Mr. Melius.
19 **Q. Do you remember which company you**
20 **were getting paid by?**
21 A. I don't remember the company.
22 **Q. Did you change companies when you**
23 **went from head of security to building**
24 **manager, or was it still Castle Ventures?**
25 A. I don't remember.

<p style="text-align: right;">Page 18</p> <p>1 Bellando</p> <p>2 Q. You said that you had that position</p> <p>3 for approximately ten years.</p> <p>4 That brings us to roughly 1998; is</p> <p>5 that correct?</p> <p>6 A. Okay.</p> <p>7 Q. What was your next position?</p> <p>8 A. I think that's when I started into</p> <p>9 the catering.</p> <p>10 Q. Okay. So your current position</p> <p>11 sales manager?</p> <p>12 A. Well, I started off as a banquet</p> <p>13 manager.</p> <p>14 Q. 1998, roughly?</p> <p>15 A. Yes.</p> <p>16 Q. Was that your title, banquet</p> <p>17 manager?</p> <p>18 A. Correct.</p> <p>19 Q. Do you remember which company you</p> <p>20 were employed by in that position?</p> <p>21 A. You know, I think maybe it wasn't</p> <p>22 Oheka Management. Maybe it was Oheka Castle</p> <p>23 Catering.</p> <p>24 Q. Oheka Castle Catering Corporation?</p> <p>25 A. Right. I think that's --</p>	<p style="text-align: right;">Page 19</p> <p>1 Bellando</p> <p>2 MS. GASTWIRTH: I think Dan doesn't</p> <p>3 want you to speculate.</p> <p>4 THE WITNESS: I'm guessing. I</p> <p>5 don't remember.</p> <p>6 Q. It was either Oheka Management</p> <p>7 Corporation or Oheka Catering Corporation?</p> <p>8 A. Either.</p> <p>9 Q. As you understand it, what's the</p> <p>10 difference between Oheka Management and Oheka</p> <p>11 Castle Catering?</p> <p>12 A. The difference is Oheka Castle</p> <p>13 Catering controls the catering and the</p> <p>14 management controls the Oheka castle.</p> <p>15 Q. So Oheka Castle Catering is a</p> <p>16 subset of Oheka Management?</p> <p>17 MS. GASTWIRTH: Objection.</p> <p>18 MS. BUDD: Objection.</p> <p>19 Q. I'm just trying to understand the</p> <p>20 differences between the companies.</p> <p>21 A. I don't know. I don't understand</p> <p>22 either.</p> <p>23 Q. You don't understand?</p> <p>24 A. Yes.</p> <p>25 Q. If we were to look at your current</p>
<p style="text-align: right;">Page 20</p> <p>1 Bellando</p> <p>2 paycheck, would it say Oheka Management</p> <p>3 Corporation, would it say Oheka Castle?</p> <p>4 A. You know, I'm not sure. It's one</p> <p>5 of them.</p> <p>6 Q. It's one or the other?</p> <p>7 A. Yes.</p> <p>8 Q. How long did you hold the position</p> <p>9 of banquet manager?</p> <p>10 A. Probably about a year, year and a</p> <p>11 half.</p> <p>12 Q. What did do you as banquet manager</p> <p>13 during that time?</p> <p>14 A. I ran the weddings.</p> <p>15 Q. What does that entail?</p> <p>16 A. People get married. We do they</p> <p>17 ceremony, the reception, hold the bride and</p> <p>18 groom's hand.</p> <p>19 Q. What do you do though?</p> <p>20 I know what a wedding is.</p> <p>21 What do you do as banquet manager?</p> <p>22 A. That's what I did.</p> <p>23 Q. I didn't understand.</p> <p>24 A. I oversaw and made sure everything</p> <p>25 went okay for the wedding.</p>	<p style="text-align: right;">Page 21</p> <p>1 Bellando</p> <p>2 Q. What, if anything, about your prior</p> <p>3 position in charge of security and hiring</p> <p>4 maintenance people qualified you to oversee</p> <p>5 weddings?</p> <p>6 A. That's why I stepped in as banquet</p> <p>7 manager, to learn.</p> <p>8 Q. So you were learning, on-the-job</p> <p>9 training?</p> <p>10 A. Exactly.</p> <p>11 Q. Did you learn that position during</p> <p>12 that time?</p> <p>13 A. Sure.</p> <p>14 Q. Somebody was training you?</p> <p>15 A. That's correct.</p> <p>16 Q. Who was that?</p> <p>17 A. Tom Reitano.</p> <p>18 Q. Could you spell that?</p> <p>19 A. R-e-i-t-a-n-o.</p> <p>20 Q. And Mr. Reitano trained you to be a</p> <p>21 banquet manager?</p> <p>22 A. Correct.</p> <p>23 Q. I think you testified that you</p> <p>24 started as a banquet manager roughly 1998?</p> <p>25 A. Around.</p>

1 Bellando
2 **Q. And you did that for a year to a**
3 **year and a half?**
4 A. Probably.
5 **Q. What was your next position?**
6 A. There was a point where, I don't
7 remember the month, that I went into the main
8 office for a few months to help out, I
9 believe, on the casino.
10 **Q. When you say "the main office,"**
11 **what are you referring to?**
12 A. One Old Country Road, Carle Place.
13 **Q. Prior to that, though, you'd been**
14 **working at the castle?**
15 A. That's correct.
16 **Q. And that's 135 West Gate Drive?**
17 A. Correct.
18 **Q. Hunting or what is it called?**
19 A. It's really Huntington.
20 **Q. Up until the point that you went**
21 **into the main office to help out on the**
22 **casino, immediately prior to that you had been**
23 **the banquet manager?**
24 A. Correct.
25 **Q. Approximately when was it that you**

1 Bellando
2 **went into the main office to help out with the**
3 **casino?**
4 A. I don't remember. I don't remember
5 the month.
6 **Q. Do you remember the year?**
7 A. I believe it was '99.
8 **Q. 1999?**
9 A. Yes.
10 **Q. Calendar year '99.**
11 **How long did you work in the main**
12 **office with the casino, if you remember?**
13 A. Maybe about three months.
14 **Q. During those approximately three**
15 **months that you believe were in the calendar**
16 **year 1999, what did you do?**
17 A. I started helping. I think we were
18 finishing up on the casino, so I was bidding
19 out some last-minute jobs and then I was
20 flying up to the casino to help them open.
21 **Q. So at the point you moved into the**
22 **main office from being the banquet manager at**
23 **Oheka Castle, the casino construction was**
24 **nearly finished; is that right?**
25 A. They were pretty close, pretty

1 Bellando
2 close.
3 **Q. How did you learn that they were**
4 **pretty close to being finished with the**
5 **construction?**
6 A. We were just finalizing the carpet,
7 the final stages before the machines went in.
8 **Q. By "machines," you mean gambling**
9 **machine?**
10 A. The gambling machines.
11 **Q. The building itself was up?**
12 A. The building itself was up.
13 **Q. Did somebody come to you and tell**
14 **you that your assistance was needed?**
15 A. Correct.
16 **Q. Who was that?**
17 A. Mr. Melius.
18 **Q. What did he tell you?**
19 A. He needed my help.
20 **Q. Did he say what he needed your help**
21 **with?**
22 A. Just if I could go up and help
23 Mr. Thornton out.
24 **Q. William Thornton?**
25 A. The project manager.

1 Bellando
2 **Q. Did he say what he wanted you to**
3 **help Mr. Thornton out with?**
4 A. Just go up and help him get the
5 place open.
6 **Q. Had you known Mr. Thornton prior to**
7 **that time?**
8 A. Sure.
9 **Q. How did you know Mr. Thornton?**
10 A. Mr. Thornton has been with us almost
11 as long as I've been.
12 **Q. Did he work in the main office or**
13 **did he work in Oheka or did he work somewhere**
14 **else?**
15 A. He worked in the main office.
16 **Q. But it wasn't Mr. Thornton who came**
17 **to you, it was Mr. Melius?**
18 A. Correct.
19 **Q. When was the first time you went to**
20 **the casino site?**
21 A. I don't remember.
22 **Q. Was it prior to when it opened?**
23 A. No, there was times when I went up
24 before with Mr. Melius.
25 **Q. What I'm asking is the first time**

<p style="text-align: right;">Page 26</p> <p>1 Bellando</p> <p>2 that you went, was it already open or had it</p> <p>3 not been open?</p> <p>4 A. No, no. I think they were just</p> <p>5 putting up the steel.</p> <p>6 Q. That was prior to when he had asked</p> <p>7 you to help Mr. Thornton finalize the casino?</p> <p>8 A. That's correct.</p> <p>9 Q. At some point, you believe calendar</p> <p>10 year '99, Mr. Melius came to you and said that</p> <p>11 he needed your help and you at that point</p> <p>12 stopped being the banquet manager or did you</p> <p>13 continue with your duties as banquet manager?</p> <p>14 A. I stopped. I stopped for a few</p> <p>15 months.</p> <p>16 Q. As best as you can recall, it was</p> <p>17 about three months?</p> <p>18 A. About.</p> <p>19 MS. GASTWIRTH: Objection.</p> <p>20 I think he testified about a prior</p> <p>21 visit to the casino.</p> <p>22 MR. SEFF: I'm talking about --</p> <p>23 MS. GASTWIRTH: This period of</p> <p>24 time?</p> <p>25 MR. SEFF: Yes.</p>	<p style="text-align: right;">Page 27</p> <p>1 Bellando</p> <p>2 MS. GASTWIRTH: Fine.</p> <p>3 Q. I'll represent to you that the</p> <p>4 casino opened for business in April 1999.</p> <p>5 Does that help you to recall the</p> <p>6 approximately three-month period that you were</p> <p>7 helping out?</p> <p>8 A. Probably, if that's when it opened.</p> <p>9 Q. Why don't you accept that</p> <p>10 representation, assume that's correct for the</p> <p>11 moment and tell me what three months you think</p> <p>12 you worked.</p> <p>13 A. If it opened April '99, probably</p> <p>14 around January.</p> <p>15 Q. So January 1999?</p> <p>16 A. Yes, January '99, January '99,</p> <p>17 right.</p> <p>18 Q. That's when you started working on</p> <p>19 the casino project?</p> <p>20 A. Yes.</p> <p>21 Q. You worked on it for approximately</p> <p>22 three months.</p> <p>23 You did that up until roughly the</p> <p>24 opening?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 28</p> <p>1 Bellando</p> <p>2 Q. So you helped for the three months</p> <p>3 immediately prior to the opening; is that</p> <p>4 correct?</p> <p>5 A. That's correct.</p> <p>6 Q. So roughly January to April '99?</p> <p>7 A. Correct.</p> <p>8 Q. Now, come April 1999, I believe it</p> <p>9 was actually April 11, 1999, the casino opens.</p> <p>10 Were you in attendance at the grand</p> <p>11 opening?</p> <p>12 A. Correct.</p> <p>13 Q. You were there?</p> <p>14 A. Uh-hmm.</p> <p>15 Q. Is that a "yes? "</p> <p>16 You have to say "yes."</p> <p>17 A. Yes. I'm sorry.</p> <p>18 Q. Everybody does that.</p> <p>19 After the opening on April 11,</p> <p>20 1999, did you go back to your position as</p> <p>21 banquet manager for either Oheka Castle</p> <p>22 Catering or Oheka Management Corporation?</p> <p>23 A. Yes.</p> <p>24 Q. And you've been in that position</p> <p>25 ever since?</p>	<p style="text-align: right;">Page 29</p> <p>1 Bellando</p> <p>2 A. That's correct.</p> <p>3 Q. As best as you can recall,</p> <p>4 Mr. Bellando, tell me everything that you did</p> <p>5 to help out Mr. Thornton and Mr. Melius during</p> <p>6 that roughly three-month period from January</p> <p>7 to April 1999?</p> <p>8 A. I know when I first started in the</p> <p>9 office, I went into Mr. Thornton and asked him</p> <p>10 how I could help him. He would give me a list</p> <p>11 of jobs that I could help work on him for,</p> <p>12 some was bidding some of the jobs, different</p> <p>13 things. Then probably after the first few</p> <p>14 weeks then I started traveling up there on the</p> <p>15 project. I helped him out.</p> <p>16 Q. When you say "bidding some of the</p> <p>17 jobs," let's take it one at a time.</p> <p>18 What did that involve?</p> <p>19 A. There were a few jobs I could</p> <p>20 remember. One was, I believe there was steel</p> <p>21 cabinets, the Formica, some was the carpet,</p> <p>22 the kitchen equipment, the bar, the mirrors.</p> <p>23 That's what I could remember.</p> <p>24 Q. What were your duties?</p> <p>25 What did you do?</p>

<p style="text-align: right;">Page 30</p> <p>1 Bellando</p> <p>2 A. I would call some companies and bid</p> <p>3 them out.</p> <p>4 Q. In other words, you would locate</p> <p>5 subcontractors to do the work?</p> <p>6 A. Correct.</p> <p>7 MS. GASTWIRTH: Objection.</p> <p>8 I think he talked about bidding</p> <p>9 them out.</p> <p>10 MR. SEFF: I'm trying to understand</p> <p>11 what that involves.</p> <p>12 Q. Tell me in your own words what you</p> <p>13 did.</p> <p>14 What does "bid them out mean?"</p> <p>15 A. I would call subcontractors to get</p> <p>16 prices.</p> <p>17 Q. Let's just take an example, steel</p> <p>18 cabinets.</p> <p>19 A. Yes.</p> <p>20 Q. Somebody would come to you and say</p> <p>21 we need steel cabinets?</p> <p>22 A. They would give me the plan and I</p> <p>23 would go off the plan and I would start</p> <p>24 calling companies. I'd call like five</p> <p>25 different companies for bids.</p>	<p style="text-align: right;">Page 31</p> <p>1 Bellando</p> <p>2 Q. And say how much can you install</p> <p>3 these for?</p> <p>4 A. Well, I would send them plans and</p> <p>5 get prices.</p> <p>6 Q. Who made the decision which of the</p> <p>7 say five companies to hire?</p> <p>8 A. I would put the five bids together</p> <p>9 and let Mr. Thornton handle the bids.</p> <p>10 Q. So you basically collected bids and</p> <p>11 then Mr. Thornton would determine which bid to</p> <p>12 accept?</p> <p>13 A. Correct.</p> <p>14 Q. Anything else that you did during</p> <p>15 those three months?</p> <p>16 MS. GASTWIRTH: In terms of bids?</p> <p>17 MR. SEFF: Anything that he did to</p> <p>18 help out with the casino project during</p> <p>19 the three months.</p> <p>20 MS. GASTWIRTH: Okay. We had</p> <p>21 testimony about him going up.</p> <p>22 Do you want him to tell you about</p> <p>23 that?</p> <p>24 MR. SEFF: I'm --</p> <p>25 MS. GASTWIRTH: You're getting</p>
<p style="text-align: right;">Page 32</p> <p>1 Bellando</p> <p>2 there.</p> <p>3 MR. SEFF: You can ask him</p> <p>4 questions at the end if you think I left</p> <p>5 something out.</p> <p>6 MS. GASTWIRTH: I think your</p> <p>7 question was a little confusing.</p> <p>8 MR. SEFF: So you're objecting to</p> <p>9 the form of the question.</p> <p>10 I'll rephrase.</p> <p>11 Q. I'm just trying to understand,</p> <p>12 Mr. Bellando, everything you did in terms of</p> <p>13 your duties during those three months. One of</p> <p>14 the things you described, to the point that I</p> <p>15 can understand it, you called subcontractors</p> <p>16 and collected bids.</p> <p>17 Anything else you did during those</p> <p>18 three months to help out on the casino project</p> <p>19 either at the main office or up at the casino?</p> <p>20 A. At the main office, that's what I</p> <p>21 did, called the subcontractors when I went up</p> <p>22 to the casino. That's when we would start</p> <p>23 getting everything set up.</p> <p>24 Q. The only thing you did to help out</p> <p>25 on the casino project from the main office is</p>	<p style="text-align: right;">Page 33</p> <p>1 Bellando</p> <p>2 the collection of the bids?</p> <p>3 A. Correct.</p> <p>4 Q. After you did that, then you</p> <p>5 started traveling to the casino?</p> <p>6 A. That's correct.</p> <p>7 Q. Approximately how many times in</p> <p>8 those three months would you say you traveled</p> <p>9 to the casino, approximately, if you know.</p> <p>10 A. Probably at least five times.</p> <p>11 Q. When you would go to the casino,</p> <p>12 how would you get there?</p> <p>13 A. Plane.</p> <p>14 Q. Fly into Montreal?</p> <p>15 A. Uh-hmm.</p> <p>16 Q. Is that a "yes?"</p> <p>17 A. Yes.</p> <p>18 Q. Rent a car?</p> <p>19 A. Correct.</p> <p>20 Q. Drive to the casino?</p> <p>21 A. Correct.</p> <p>22 Q. And you did that at least five</p> <p>23 times?</p> <p>24 A. At least.</p> <p>25 Q. And during however many times it</p>

<p style="text-align: right;">Page 34</p> <p>1 Bellando 2 was that you did that, what were your duties 3 when you were there? 4 A. Just to assist, help out 5 Mr. Thornton or Mr. Diller, whatever was needed 6 to help get things done. 7 Q. You say "Mr. Diller." 8 Do you mean Roger Diller? 9 A. Correct. 10 Q. Who is he? 11 A. He was the architect. 12 Q. So you were there to help out 13 Mr. Thornton and Mr. Diller. 14 What sort of things would you do 15 for them? 16 A. Put the furniture together, start 17 laying out where everything is going, meet 18 some of the contractors up there. 19 Q. You did whatever needed to get done 20 to get the place opened; is that right? 21 A. Correct. 22 Q. Right down to helping with 23 construction? 24 A. That's correct. 25 Q. And you were taking directions from</p>	<p style="text-align: right;">Page 35</p> <p>1 Bellando 2 Mr. Thornton and Mr. Diller? 3 A. Yes. 4 Q. Anyone else? 5 A. No. 6 Q. So you mentioned putting furniture 7 together, meeting contractors. 8 What else did you do during this 9 five or so times? 10 A. Whatever there was to do. I don't 11 remember everything. 12 Q. Do you remember anything else that 13 you did? 14 A. No. 15 Q. Where would you stay when you went 16 up there? 17 A. Canada. 18 Q. A hotel in Canada? 19 A. Yes. 20 Q. Cornwall? 21 A. Yes. 22 Q. When you would go, how many days at 23 a time would you be there? 24 A. Two, three days. 25 Q. During that three-month period</p>
<p style="text-align: right;">Page 36</p> <p>1 Bellando 2 roughly January to April 1999, what did you do 3 during the time that you were not at the 4 casino? 5 A. When I wasn't, I was back in the 6 main office. 7 Q. Among other things, you were 8 putting together or collecting those bids; is 9 that right? 10 A. Correct. 11 Q. Anything else that you did during 12 that two-month period? 13 A. Just helped them out any way that I 14 could. If Mr. Thornton called me from the 15 casino, needed things, I would take care of it 16 from the main office. 17 Q. What sorts of things would you take 18 care of? 19 A. You know, back to bidding other 20 jobs, calling contractors, whatever there was 21 to do. 22 THE WITNESS: I think it's getting 23 colder in here. 24 MR. SEFF: Let's go off the record. 25 (Discussion off the record.)</p>	<p style="text-align: right;">Page 37</p> <p>1 Bellando 2 Q. I believe you testified that during 3 the period leading up to January 1999 that you 4 were employed by either Oheka Management 5 Corporation or Oheka Castle Catering as 6 banquet manager; is that correct? 7 A. Up to '99? 8 Q. Up to January '99 when you started 9 helping out at the casino you were banquet 10 manager and you were employed by either Oheka 11 Management Corporation or Oheka Castle 12 Catering? 13 A. At the time, correct. 14 Q. Beginning in January '99 and for 15 that roughly three-month period that we've 16 been talking about, did your employer change, 17 that is the company for which you worked? 18 A. I don't -- I don't know. I don't 19 remember. 20 You mean if I got paid through the 21 casino? 22 Q. Basically what company was paying 23 you? 24 A. I don't remember where my check was 25 coming from at that time.</p>

1 Bellando
2 **Q. Did your compensation change in any**
3 **way during that three months from the year,**
4 **year and a half prior to that?**
5 A. No, no.
6 **Q. During that three-month period, is**
7 **it correct that Mr. Melius was still signing**
8 **your paycheck on whichever company it was?**
9 A. I don't remember. I don't remember
10 at that point who the signator was.
11 **Q. Then after the casino opened, you**
12 **resumed your duties as banquet manager or**
13 **started working them fulltime again; is that**
14 **right?**
15 A. That's correct.
16 **Q. And you've been doing that ever**
17 **since?**
18 A. Ever since.
19 **Q. Any other employment or jobs or**
20 **employers or companies that you worked for**
21 **that you have not described during the time**
22 **period from when you graduated high school in**
23 **'83 up through the present?**
24 A. No.
25 **Q. Have you ever heard of a company**

1 Bellando
2 **called Archon Design Limited?**
3 A. Yes.
4 **Q. What do you know about Archon**
5 **Design Limited?**
6 A. Not much. Just heard of it.
7 **Q. Do you know what type of company it**
8 **is?**
9 A. No.
10 **Q. Do you know who owns it?**
11 A. No.
12 **Q. Do you know where it's located?**
13 A. Yes.
14 **Q. Where?**
15 A. 135 West Gate Drive.
16 **Q. Have you ever worked for Archon**
17 **Design?**
18 A. No.
19 **Q. Have you ever heard of a company**
20 **called President R.C. Saint Regis Management**
21 **Company?**
22 A. Yes.
23 **Q. Tell me what you know about**
24 **President.**
25 **We'll call it "President" for**

1 Bellando
2 **short.**
3 A. Not much. Just heard of it.
4 **Q. Do you know what type of company it**
5 **is?**
6 A. No.
7 **Q. What business it's in?**
8 A. What business it's in?
9 **Q. Yes.**
10 A. No.
11 **Q. Do you know who owned it?**
12 A. No.
13 **Q. Or owned it during the period of,**
14 **say, '98 to 2000?**
15 A. No.
16 **Q. Do you know where it's located or**
17 **where it was located during that time?**
18 A. No.
19 **Q. Is it safe to assume from your**
20 **answers to those questions that you never**
21 **worked for President?**
22 A. No.
23 **Q. You've never worked for President?**
24 A. No.
25 **Q. Have you ever heard of a company**

1 Bellando
2 **called Anderson-Blake Construction**
3 **Corporation?**
4 A. Yes.
5 **Q. We'll abbreviate that.**
6 **What do you know about**
7 **Anderson-Blake?**
8 A. Anderson-Blake was a construction
9 company.
10 **Q. You said it was?**
11 A. It is.
12 **Q. Is it still in existence?**
13 A. No.
14 **Q. What else do you know about**
15 **Anderson-Blake?**
16 MS. GASTWIRTH: Objection as to
17 form.
18 **Q. Well, let's back up a second.**
19 **Do you know who Anderson and Blake**
20 **are, the individual names in the company**
21 **Anderson and Blake?**
22 A. I think it was just a name made up.
23 **Q. Do you know who made it up?**
24 A. No.
25 **Q. Do you know when it was made up?**

<p style="text-align: right;">Page 42</p> <p>1 Bellando</p> <p>2 A. No.</p> <p>3 Q. Do you know when Anderson-Blake</p> <p>4 ceased to exist?</p> <p>5 A. I don't remember.</p> <p>6 Q. During the time that you recall it</p> <p>7 was in existence, do you remember where it was</p> <p>8 located?</p> <p>9 A. One Old Country Road, Carle Place.</p> <p>10 Q. Do you remember who owned</p> <p>11 Anderson-Blake or do you know who owned</p> <p>12 Anderson-Blake during that time that it</p> <p>13 existed?</p> <p>14 A. No.</p> <p>15 Q. Do you know who the officers of</p> <p>16 Anderson-Blake were during the time it</p> <p>17 existed?</p> <p>18 A. I believe I was an officer.</p> <p>19 Q. When were you an officer of</p> <p>20 Anderson-Blake?</p> <p>21 A. I don't remember when I became an</p> <p>22 officer.</p> <p>23 Q. Well, what was your title, if you</p> <p>24 had one?</p> <p>25 A. President.</p>	<p style="text-align: right;">Page 43</p> <p>1 Bellando</p> <p>2 Q. You were the President of</p> <p>3 Anderson-Blake Construction Corporation?</p> <p>4 A. Correct.</p> <p>5 Q. I asked you a couple of minutes ago</p> <p>6 when we were going through your employment</p> <p>7 history, and I must say you were extremely</p> <p>8 thorough, to describe the duties you had and</p> <p>9 the jobs you had. You didn't mention</p> <p>10 Anderson-Blake.</p> <p>11 MS. GASTWIRTH: Objection.</p> <p>12 You didn't ask him if he was an</p> <p>13 officer of any of these things.</p> <p>14 Q. Let's go back.</p> <p>15 Were you ever an officer of Castle</p> <p>16 Ventures?</p> <p>17 A. No.</p> <p>18 Q. Were you ever an officer of Oheka</p> <p>19 Management Corporation?</p> <p>20 A. No.</p> <p>21 Q. Were you ever an officer of Oheka</p> <p>22 Castle Catering Corporation?</p> <p>23 A. No.</p> <p>24 Q. Were you ever an officer of any</p> <p>25 company other than Anderson-Blake in your</p>
<p style="text-align: right;">Page 44</p> <p>1 Bellando</p> <p>2 life?</p> <p>3 A. Yes.</p> <p>4 Q. What other company or companies?</p> <p>5 A. Oheka Maintenance.</p> <p>6 Q. That's a company that's distinct</p> <p>7 from the other Oheka companies that you've</p> <p>8 described?</p> <p>9 A. Correct.</p> <p>10 Q. What was your title at Oheka</p> <p>11 Maintenance when you were an officer?</p> <p>12 A. President.</p> <p>13 Q. What were your duties as president</p> <p>14 of Oheka Maintenance?</p> <p>15 A. Just the maintenance of Oheka.</p> <p>16 Q. Maintaining the premises?</p> <p>17 A. That's correct.</p> <p>18 Q. When was that?</p> <p>19 A. I don't remember the year.</p> <p>20 Q. It was for approximately a year?</p> <p>21 A. No, I don't remember the year.</p> <p>22 Q. When you said you didn't remember</p> <p>23 the year, it sounded like it was only a single</p> <p>24 year.</p> <p>25 A. I don't remember the year we</p>	<p style="text-align: right;">Page 45</p> <p>1 Bellando</p> <p>2 started it.</p> <p>3 Q. Was that during the time from 1988</p> <p>4 to roughly 1998 that you were in charge of</p> <p>5 Oheka security and maintenance as building</p> <p>6 manager?</p> <p>7 A. Correct.</p> <p>8 Q. So what, if anything, is the</p> <p>9 difference between being the building manager</p> <p>10 at Oheka Castle and being the president of</p> <p>11 Oheka Maintenance?</p> <p>12 A. No difference.</p> <p>13 Q. Well, I asked you what your title</p> <p>14 was during that time and you said you were the</p> <p>15 building manager of Oheka.</p> <p>16 A. That's correct.</p> <p>17 Q. Was your title also president of</p> <p>18 Oheka Maintenance?</p> <p>19 A. That's correct.</p> <p>20 Q. Is that a corporation?</p> <p>21 A. Yes.</p> <p>22 Q. Were there any other officers of</p> <p>23 Oheka Maintenance during that time?</p> <p>24 A. Not that I'm aware of.</p> <p>25 Q. Any directors?</p>

<p style="text-align: right;">Page 46</p> <p>1 Bellando</p> <p>2 A. Not that I'm aware of.</p> <p>3 Q. Were you a director?</p> <p>4 A. I was the President.</p> <p>5 Q. So you were not a director?</p> <p>6 A. No.</p> <p>7 Q. Did you have to file anything with</p> <p>8 New York State?</p> <p>9 A. Yes.</p> <p>10 Q. What did you file?</p> <p>11 A. I don't know. The accountant would</p> <p>12 bring it in to me and I would sign it.</p> <p>13 Q. All right. We'll come back to</p> <p>14 Anderson-Blake.</p> <p>15 Any other companies that you were</p> <p>16 an officer of other than Oheka Maintenance and</p> <p>17 Anderson-Blake?</p> <p>18 A. No.</p> <p>19 Q. Coming back then to Anderson-Blake.</p> <p>20 I believe you testified a moment</p> <p>21 ago that you were the president.</p> <p>22 How did you become president of</p> <p>23 Anderson-Blake?</p> <p>24 A. It was just a conversation when my</p> <p>25 boss, Mr. Melius, wanted to put something to</p>	<p style="text-align: right;">Page 47</p> <p>1 Bellando</p> <p>2 together that hopefully I could be a partner</p> <p>3 in.</p> <p>4 Q. So you had a conversation with</p> <p>5 Mr. Melius and he suggested putting together</p> <p>6 something called Anderson-Blake?</p> <p>7 A. Well, I don't know --</p> <p>8 MS. GASTWIRTH: Objection.</p> <p>9 Q. I'm not trying to put words in your</p> <p>10 mouth. I'm trying to understand what</p> <p>11 happened.</p> <p>12 Tell me in your own words.</p> <p>13 A. It was a conversation where he</p> <p>14 called me in and he wanted me to be a partner</p> <p>15 with him and hopefully if it took off that it</p> <p>16 would benefit me.</p> <p>17 Q. Approximately when was that</p> <p>18 conversation?</p> <p>19 A. I don't recall.</p> <p>20 Q. Approximately?</p> <p>21 A. No idea.</p> <p>22 Q. How long after you started with</p> <p>23 Mr. Melius was it maybe is one way to think</p> <p>24 about it?</p> <p>25 A. It was years after when I started.</p>
<p style="text-align: right;">Page 48</p> <p>1 Bellando</p> <p>2 I don't remember the year.</p> <p>3 Q. Were you the banquet manager at</p> <p>4 that time?</p> <p>5 Were you the building manager?</p> <p>6 Were you in charge of security?</p> <p>7 Where were you in your career with</p> <p>8 Mr. Melius when you had that conversation?</p> <p>9 A. I don't remember.</p> <p>10 Q. Well, if you don't remember the</p> <p>11 year, tell me everything that you do remember</p> <p>12 about the conversation.</p> <p>13 A. That was it, just he was going to</p> <p>14 put something together and hopefully it could</p> <p>15 help me some way, it could benefit me.</p> <p>16 Q. What did you say?</p> <p>17 A. That I was fine with that.</p> <p>18 Q. It sounded like a good idea to you?</p> <p>19 A. Sounded great to me.</p> <p>20 Q. What happened with Anderson-Blake</p> <p>21 after that?</p> <p>22 A. I don't remember. I think we did</p> <p>23 a project. I don't know. I don't remember</p> <p>24 the whole -- I wasn't involved in that end.</p> <p>25 Q. What was your involvement as</p>	<p style="text-align: right;">Page 49</p> <p>1 Bellando</p> <p>2 president?</p> <p>3 A. Nothing.</p> <p>4 Q. So you didn't do anything as</p> <p>5 president of Anderson-Blake?</p> <p>6 A. No.</p> <p>7 Q. Did you file anything with New York</p> <p>8 State?</p> <p>9 A. I believe so.</p> <p>10 Q. What was it?</p> <p>11 A. Accountants do it. I just sign it.</p> <p>12 Q. So you had this conversation with</p> <p>13 Mr. Melius at some point that you don't</p> <p>14 remember and then nothing ever happened with</p> <p>15 Anderson-Blake, so that concept of you being</p> <p>16 in partnership with him never went anywhere?</p> <p>17 A. That's correct.</p> <p>18 MS. GASTWIRTH: Objection.</p> <p>19 MS. BUDD: Objection.</p> <p>20 MR. SEFF: The witness understood</p> <p>21 and answered first.</p> <p>22 I gather from my last question you</p> <p>23 did understand it.</p> <p>24 If you don't understand, let me</p> <p>25 know and I'll rephrase it.</p>

<p style="text-align: right;">Page 50</p> <p>1 Bellando</p> <p>2 MS. GASTWIRTH: Here's the second</p> <p>3 rule. Wait for us to object.</p> <p>4 Q. If I ask a question that's</p> <p>5 objectionable, they'll say "objection," but if</p> <p>6 you understand the question, you can answer.</p> <p>7 They're just reserving the objection for some</p> <p>8 future time; do you understand that?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember any other officers</p> <p>11 of Anderson-Blake other than yourself?</p> <p>12 A. No.</p> <p>13 Q. Were there any others?</p> <p>14 A. I don't know, could have been.</p> <p>15 MS. GASTWIRTH: Let me know when</p> <p>16 there's a convenient breaking point</p> <p>17 because I have to make a call.</p> <p>18 Q. Did you have any sort of ownership</p> <p>19 interest in Anderson-Blake?</p> <p>20 Did you own any shares in the</p> <p>21 company or anything like that?</p> <p>22 A. I don't remember.</p> <p>23 I believe --</p> <p>24 MS. GASTWIRTH: Don't speculate.</p> <p>25 A. Yes, I don't know. I don't</p>	<p style="text-align: right;">Page 51</p> <p>1 Bellando</p> <p>2 remember.</p> <p>3 Q. Is that the type of thing you'd</p> <p>4 remember if you owned shares in the company?</p> <p>5 A. Yes, but I don't remember.</p> <p>6 He's my boss. What he tells me to</p> <p>7 do, I do.</p> <p>8 Q. Did you ever make any money from</p> <p>9 your position as the president of</p> <p>10 Anderson-Blake?</p> <p>11 A. No.</p> <p>12 Q. Do you recall who the shareholders</p> <p>13 were if you were not one?</p> <p>14 A. No.</p> <p>15 Q. Do you recall who the directors</p> <p>16 were?</p> <p>17 A. No.</p> <p>18 Q. I believe you testified that it's</p> <p>19 not an active company currently.</p> <p>20 A. At this time, it's not.</p> <p>21 Q. It's not?</p> <p>22 A. No.</p> <p>23 MS. GASTWIRTH: Just for the</p> <p>24 record.</p> <p>25 We have legal definitions for those</p>
<p style="text-align: right;">Page 52</p> <p>1 Bellando</p> <p>2 things and physical definitions. I think</p> <p>3 the witness is testifying to his lay</p> <p>4 understanding.</p> <p>5 MR. SEFF: Whatever his</p> <p>6 understanding, I'm asking if the company</p> <p>7 is doing anything.</p> <p>8 Q. It's a construction company and the</p> <p>9 name of the company is Anderson-Blake</p> <p>10 Construction Corporation?</p> <p>11 A. Right.</p> <p>12 Q. I assume from that it's a</p> <p>13 construction --</p> <p>14 A. Company.</p> <p>15 Q. You testified a moment ago it did</p> <p>16 do a job, a construction job?</p> <p>17 A. I know they did a job. I'm not</p> <p>18 aware -- I wasn't part of that. I don't know</p> <p>19 what it was.</p> <p>20 Q. If Anderson-Blake ever did do a</p> <p>21 construction job, you wouldn't know what it</p> <p>22 was?</p> <p>23 A. I didn't have to know, no.</p> <p>24 Q. I asked you do you believe that</p> <p>25 Anderson-Blake did one construction job in its</p>	<p style="text-align: right;">Page 53</p> <p>1 Bellando</p> <p>2 history?</p> <p>3 A. One that I know of, yes.</p> <p>4 Q. What was it?</p> <p>5 A. Akwesasne Casino.</p> <p>6 Q. That was the construction company</p> <p>7 that built the casino?</p> <p>8 A. Correct.</p> <p>9 Q. How do you know that?</p> <p>10 A. I was there.</p> <p>11 Q. Any construction projects that</p> <p>12 Anderson-Blake worked on prior to building the</p> <p>13 casino?</p> <p>14 A. I'm not aware.</p> <p>15 Q. Any construction projects</p> <p>16 Anderson-Blake worked on since building the</p> <p>17 casino?</p> <p>18 A. I don't think so, no.</p> <p>19 Q. But you didn't have anything to do</p> <p>20 with the construction of the casino, I gather</p> <p>21 from your testimony, until approximately</p> <p>22 January of '99; is that right?</p> <p>23 MS. GASTWIRTH: Objection.</p> <p>24 That three-month period right</p> <p>25 before the casino was opened?</p>

<p style="text-align: right;">Page 54</p> <p>1 Bellando</p> <p>2 THE WITNESS: Say your question</p> <p>3 again.</p> <p>4 MR. SEFF: Strike that last</p> <p>5 question. That was inartfully worded.</p> <p>6 Q. You didn't have anything to do with</p> <p>7 the casino's construction prior to</p> <p>8 approximately January of 1999; is that</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And that's the case even though you</p> <p>12 were the president of the company?</p> <p>13 A. Correct.</p> <p>14 Q. Do you recall signing any documents</p> <p>15 in connection with the casino's construction?</p> <p>16 A. Correct.</p> <p>17 Q. You do recall signing documents?</p> <p>18 A. I remember signing a document.</p> <p>19 Q. What was that?</p> <p>20 A. The AIA contract.</p> <p>21 Q. Is that the document that you</p> <p>22 testified that you reviewed this morning?</p> <p>23 A. Correct.</p> <p>24 MR. SEFF: Why don't we mark that</p> <p>25 and take a look at that.</p>	<p style="text-align: right;">Page 55</p> <p>1 Bellando</p> <p>2 MS. GASTWIRTH: Before we mark it,</p> <p>3 I need to make a phone call.</p> <p>4 Can we wait for a moment?</p> <p>5 MR. SEFF: Why don't I mark it.</p> <p>6 MS. GASTWIRTH: You can mark it and</p> <p>7 have the witness look at it. I just need</p> <p>8 to step out and make a phone call.</p> <p>9 MR. SEFF: Okay.</p> <p>10 (Recess taken.)</p> <p>11 (Plaintiff's Exhibit 56, Standard</p> <p>12 Form of Agreement between Owner and</p> <p>13 Contractor dated 1/11/98, marked for</p> <p>14 identification, as of this date, by the</p> <p>15 reporter.)</p> <p>16 MR. SEFF: Off the record.</p> <p>17 Q. Mr. Bellando, right before the</p> <p>18 break you were talking about a document that</p> <p>19 you testified that you signed as president of</p> <p>20 Anderson-Blake.</p> <p>21 A. Correct.</p> <p>22 Q. And you mentioned it was an AIA</p> <p>23 contract. We've marked the document as</p> <p>24 Plaintiff's Exhibit 56. It's 56 because</p> <p>25 yesterday we went 1 through 55. We're just</p>
<p style="text-align: right;">Page 56</p> <p>1 Bellando</p> <p>2 going sequentially. We've marked that</p> <p>3 document and put it in front of you.</p> <p>4 Have you had a chance to review it?</p> <p>5 A. I've looked at it.</p> <p>6 Q. Does that look like the document</p> <p>7 you were talking about right before the break?</p> <p>8 A. Yes.</p> <p>9 Q. And it's numbered in the lower</p> <p>10 righthand corner. Those numbers were added by</p> <p>11 us just to make it easy for reference.</p> <p>12 They're numbered 1564 through 1571.</p> <p>13 Why don't you take a look at the</p> <p>14 last page 1571.</p> <p>15 Do you see a signature on that</p> <p>16 page?</p> <p>17 A. Yes.</p> <p>18 Q. You see where it says "contractor"</p> <p>19 and under the word contractor there's some</p> <p>20 handwriting there.</p> <p>21 Is this that your signature?</p> <p>22 A. That's correct.</p> <p>23 Q. Above the words "Richard Bellando,</p> <p>24 President?"</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 57</p> <p>1 Bellando</p> <p>2 Q. Now, let's talk about this</p> <p>3 document.</p> <p>4 I believe you testified that you</p> <p>5 reviewed it this morning?</p> <p>6 A. Yes.</p> <p>7 Q. When was the first time that you</p> <p>8 saw this document?</p> <p>9 A. I guess the day it was signed.</p> <p>10 Q. Do you remember when that was?</p> <p>11 A. I don't see a date on here.</p> <p>12 The 11th of January.</p> <p>13 Q. January 11?</p> <p>14 A. Yes.</p> <p>15 Q. What was the year?</p> <p>16 A. 1998.</p> <p>17 Q. January 1998, okay.</p> <p>18 Where did you see that date; is</p> <p>19 that on page 1654 typewritten?</p> <p>20 A. Yes.</p> <p>21 Q. So January 11, 1998 was the date</p> <p>22 you believe you signed this document, which</p> <p>23 has been marked as Plaintiff's Exhibit 56?</p> <p>24 A. Correct.</p> <p>25 Q. And you hadn't seen it prior to</p>

<p style="text-align: right;">Page 58</p> <p>1 Bellando 2 that date? 3 A. Not that I'm aware of. 4 Q. Do you recall signing the document? 5 A. Yes. 6 Q. Where were you, if you remember, 7 when you signed it? 8 A. I believe in the main office. 9 Q. One Old Country Road? 10 A. One Old Country Road. 11 Q. Now, did anyone ask you to sign it? 12 A. I believe Mr. Thornton called me. I 13 had to meet him in the office and I got a call 14 from Mr. Melius that I had to go in and sign 15 the document. He wasn't around. 16 Q. "He" meaning Mr. Melius? 17 A. Yes. 18 Q. I'm confused. 19 Was it Mr. Thornton or Mr. Melius? 20 A. I'm trying to remember. I believe 21 I got a call from Mr. Thornton that he needed 22 me to come in the office to sign a document 23 and I believe I got a follow-up call from 24 Mr. Melius stating to me he's not around to go 25 in and look at the form and sign it.</p>	<p style="text-align: right;">Page 59</p> <p>1 Bellando 2 Q. So both Thornton and Melius called 3 you about the document? 4 A. Correct. 5 Q. Was it that same day you signed it? 6 A. I don't remember if that's the 7 date, to be honest. 8 Q. What did you say in response to 9 Mr. Thornton when he called you to sign the 10 document? 11 A. I told him I would be in. 12 Q. To sign it? 13 A. Right. 14 Q. What did you say to Mr. Melius when 15 he called you about the document? 16 A. That I would be on my way in. 17 Q. Anything else transpire during 18 those conversations? 19 A. No. 20 Q. Then you proceeded to go into the 21 One Old Country Road and sign the document? 22 A. Correct. 23 Q. Was there anyone there who 24 witnessed you signing it? 25 When I say "witness," I don't mean</p>
<p style="text-align: right;">Page 60</p> <p>1 Bellando 2 like they swore out a will. I mean just 3 somebody in the room. 4 A. I believe who was with me was 5 Mr. Thornton. 6 Q. There's another signature on page 7 1571. It appears to be the signature of 8 Walter Horn. 9 Do you see that just to the left of 10 your signature? 11 A. Correct. 12 Q. Do you know the name Walter Horn? 13 A. Yes. 14 Q. Who is Walter Horn, as you 15 understand him? 16 A. I don't know his title. 17 Q. Who is "he" though, what's his 18 position? 19 A. I just met him once. I don't know 20 his position. 21 Q. Was he in the room with you? 22 In other words, did you both sign 23 this together? 24 A. No. 25 Q. At the point that you signed it on</p>	<p style="text-align: right;">Page 61</p> <p>1 Bellando 2 what's now what's marked page 1571, was 3 Mr. Horn's signature already on the document? 4 A. I don't remember. I don't remember 5 seeing a signature. 6 Q. You know you didn't sign it 7 together? 8 A. No. 9 Q. He wasn't there when you went in to 10 sign it? 11 A. No. 12 Q. So it could be that you signed it 13 first or it could be that he signed first, you 14 just don't remember? 15 A. Don't remember. 16 Q. Do you see just below your name 17 typewritten the words "Richard Bellando, 18 President?" 19 A. Uh-hmm. 20 Q. Is that a "yes?" 21 A. Yes. 22 Q. Do you know who typed that in? 23 A. No. 24 Q. Did you do it? 25 A. No.</p>

Page 62

1 Bellando

2 **Q. Was it there?**

3 **Were those words "Richard Bellando,**

4 **President" in capital letters below the**

5 **signature line already typed in at the point**

6 **that you signed?**

7 A. Yes.

8 **Q. Are you certain of that?**

9 A. Pretty certain.

10 **Q. Now, did you review what's been**

11 **marked as Exhibit 56 before you signed it?**

12 A. I looked at it.

13 **Q. Did you read it?**

14 A. Yes, I read some of it.

15 **Q. What parts do you remember reading?**

16 A. Well, I know it's an AIA. It's a

17 standard form. So I just looked at where they

18 typed in some of the equipment, the

19 construction, how much it was going to cost.

20 **Q. Now, you say it's an AIA standard**

21 **form.**

22 **Is it a form with which you were**

23 **familiar in January of 1998?**

24 A. I've seen them before.

25 **Q. What context or capacity were you**

Page 64

1 Bellando

2 **sign?**

3 A. Whatever for the job. Whatever I'm

4 working on.

5 **Q. When you sign things for a job or**

6 **whatever it is you're working on, do you**

7 **typically read things before you sign them?**

8 A. Sometimes. Sometimes no.

9 **Q. What would be an example of**

10 **something you would sign without reading?**

11 A. Depends on what it is. I don't

12 know. It would have to be put in front of me.

13 **Q. Well, let's just talk about this**

14 **document. This was put in front of you, I**

15 **gather, on or about January 11, 1998.**

16 **Did you say you thought Mr. Thornton**

17 **presented it to you?**

18 **Who physically presented it to you?**

19 A. You know, I don't remember. I'm a

20 little bit sure it was Bill Thornton.

21 **Q. Did you realize the day that you**

22 **were signing this that you were the President**

23 **of Anderson-Blake or was that a surprise to**

24 **you?**

25 A. I knew I was the President.

Page 63

1 Bellando

2 **working in which you had seen one?**

3 A. I don't remember. Some of the

4 times I would see the forms like we were

5 bidding a job. Maybe at the castle or

6 something we would use this form.

7 **Q. Have you ever signed a contract**

8 **before, before what's been mark as Plaintiff's**

9 **Exhibit 56?**

10 A. Not that I recall. I don't

11 remember.

12 **Q. Have you ever signed one since you**

13 **signed what's been marked as Exhibit 56?**

14 MS. GASTWIRTH: An AIA?

15 MR. SEFF: An AIA construction form

16 contract.

17 A. Since, I don't remember.

18 **Q. So it could be this is the only one**

19 **you've ever signed?**

20 MS. GASTWIRTH: Objection.

21 MS. BUDD: Objection.

22 A. You know what, I sign a lot of

23 things. I don't know. I don't remember.

24 **Q. When you say you sign a lot of**

25 **things, what other types of things do you**

Page 65

1 Bellando

2 **Q. You did?**

3 A. Yes.

4 **Q. How did you know?**

5 A. Well, I knew Anderson-Blake existed

6 and that's before the conversation where I

7 knew that hopefully I'd be a partner.

8 **Q. So was signing this contract that**

9 **is Exhibit 56 the first official duty or thing**

10 **that you did as president of Anderson-Blake?**

11 A. Probably.

12 **Q. What did you understand this**

13 **document to be at that time that you signed**

14 **it?**

15 **What did you think you were**

16 **signing?**

17 A. What did I think I was signing?

18 **Q. Yes. You signed a contract.**

19 A. The contract to build the casino.

20 **Q. Now, there's some handwriting**

21 **scattered throughout the document. I just**

22 **wanted to know if the handwriting was yours.**

23 **It's not much.**

24 **Why don't we go through it.**

25 **On page 1654, there's a notation**

<p style="text-align: right;">Page 66</p> <p>1 Bellando</p> <p>2 next to the word "President." There appears</p> <p>3 to be some handwriting. It says "President</p> <p>4 R.C." and then there seems to be a circle and</p> <p>5 some handwriting; do you see that?</p> <p>6 A. Uh-hmm.</p> <p>7 Q. Is that a "yes?"</p> <p>8 A. Yes.</p> <p>9 Q. Is that your handwriting?</p> <p>10 A. No.</p> <p>11 Q. There's some handwriting on page</p> <p>12 1565 in sections 3.1 and 3.2; do you see that</p> <p>13 handwriting?</p> <p>14 A. Yes.</p> <p>15 Q. Is that your handwriting?</p> <p>16 A. No.</p> <p>17 Q. Now, let's go back to page 1564 for</p> <p>18 a second.</p> <p>19 Was the handwriting on page 1564 on</p> <p>20 the document when you signed it?</p> <p>21 A. I don't recall. I don't remember.</p> <p>22 Q. What about the handwriting on page</p> <p>23 1565 in those two sections that we just looked</p> <p>24 at; is that your handwriting?</p> <p>25 A. I believe that was written.</p>	<p style="text-align: right;">Page 67</p> <p>1 Bellando</p> <p>2 Q. Let's look at section 3.1. It's</p> <p>3 talking about the commencement date for the</p> <p>4 contract and someone has handwritten in there</p> <p>5 "within 90 days of the date hereof;" do you</p> <p>6 see that?</p> <p>7 A. Yes.</p> <p>8 Q. So you're certain that's not your</p> <p>9 handwriting?</p> <p>10 A. That's not my handwriting.</p> <p>11 Q. Are you certain that was written in</p> <p>12 when you signed it?</p> <p>13 A. I'm not certain, but I don't</p> <p>14 remember. I don't remember.</p> <p>15 Q. Now let's look at section 3.2.</p> <p>16 It's talking about the substantial completion</p> <p>17 date of the work, which I believe is the</p> <p>18 project. It says "nine months after the date</p> <p>19 of commencement; do you see that handwriting?</p> <p>20 A. Correct.</p> <p>21 Q. I gather that's not your</p> <p>22 handwriting either?</p> <p>23 A. No.</p> <p>24 Q. Was that handwriting that is the</p> <p>25 language under section 3.2 on the document on</p>
<p style="text-align: right;">Page 68</p> <p>1 Bellando</p> <p>2 the date that you signed the contract?</p> <p>3 A. I don't remember.</p> <p>4 Q. Now, there's type written in on</p> <p>5 page 1566, the next page, article 4 contract,</p> <p>6 some dollar amount. The words are spelled</p> <p>7 out. Then the dollar amount number is typed</p> <p>8 out and the number appears to be \$14,180,564.</p> <p>9 Do you see that in section 4.1?</p> <p>10 A. Yes.</p> <p>11 Q. It appears to me that that's a</p> <p>12 typewriter, different typeface, than the</p> <p>13 actual preprinted form.</p> <p>14 Was that dollar amount either the</p> <p>15 words and or the number on the document when</p> <p>16 you signed it?</p> <p>17 A. I believe so.</p> <p>18 Q. What leads you to believe that was</p> <p>19 on there?</p> <p>20 A. I remember saying that's all it's</p> <p>21 going to cost to build it.</p> <p>22 Q. Oh, is that right?</p> <p>23 A. Yes.</p> <p>24 Q. So that refreshes your</p> <p>25 recollection?</p>	<p style="text-align: right;">Page 69</p> <p>1 Bellando</p> <p>2 A. Yes.</p> <p>3 Q. You remember that being there.</p> <p>4 As far as 3.1 and 3.2, you're not</p> <p>5 sure?</p> <p>6 A. Yes, I don't remember.</p> <p>7 Q. Now, there's some handwriting on</p> <p>8 page 1567, not much, but it looks like in</p> <p>9 section 5.6.1 the number 0 is crossed out and</p> <p>10 the handwritten number 5 is written in; do you</p> <p>11 see that handwriting?</p> <p>12 A. Correct.</p> <p>13 Q. Is that your handwriting?</p> <p>14 A. No.</p> <p>15 Q. Do you recall whether that was</p> <p>16 there when you signed it?</p> <p>17 A. No, I don't recall that.</p> <p>18 Q. Did you retain take a copy of this</p> <p>19 contract after you signed it?</p> <p>20 A. No.</p> <p>21 Q. Do you know what happened to the</p> <p>22 original that you signed after you signed it?</p> <p>23 A. No.</p> <p>24 Q. As you sit here today, do you know</p> <p>25 what happened to it?</p>

Page 70

1 **Bellando**
2 A. No.
3 **Q. Did you ever see it again between**
4 **the day you signed it and this morning?**
5 A. No.
6 **Q. Do you recall signing any other**
7 **documents as president of Anderson-Blake**
8 **following this document?**
9 A. I could have. I don't remember.
10 MS. GASTWIRTH: By documents, you
11 mean contracts, anything?
12 MR. SEFF: Anything.
13 MS. GASTWIRTH: Checks, anything?
14 **Q. Did you sign checks on behalf of**
15 **Anderson-Blake?**
16 A. I believe I did.
17 **Q. In connection with the casino**
18 **construction?**
19 A. Yes, I'm pretty sure I did.
20 **Q. Do you remember to whom those**
21 **checks were made out?**
22 A. No.
23 **Q. Do you remember the dollar amounts**
24 **roughly?**
25 A. No.

Page 72

1 **Bellando**
2 **Q. Let's talk about Mr. Melius for a**
3 **couple of minutes.**
4 **What was Mr. Melius' role, if any,**
5 **in Anderson-Blake?**
6 A. He was the boss.
7 **Q. And by "boss," could you be more**
8 **descriptive.**
9 **What does that mean?**
10 **Was he in charge?**
11 A. He was in charge, correct.
12 **Q. Did he have a title at**
13 **Anderson-Blake?**
14 A. I don't know.
15 **Q. Was it chairman?**
16 A. I don't know.
17 **Q. CEO?**
18 A. I didn't know that.
19 **Q. You just knew him as "the boss?"**
20 A. Correct.
21 **Q. Was he the boss of Anderson-Blake**
22 **as far as you knew at the point that you**
23 **signed the contract?**
24 A. Correct.
25 **Q. Do you have any understanding of**

Page 71

1 **Bellando**
2 **Q. Do you remember the number of**
3 **checks, approximately?**
4 A. No.
5 **Q. Do you know what bank account or**
6 **accounts those checks were drawn on?**
7 A. No.
8 **Q. Do you know if Anderson-Blake had**
9 **its own bank account?**
10 A. If had its own bank account?
11 **Q. Do you know if it did?**
12 A. I don't know. I would imagine.
13 **Q. I gather you don't have copies of**
14 **those checks or check registers or anything**
15 **like that?**
16 A. I don't know.
17 **Q. You personally.**
18 A. Me?
19 **Q. Personally in your files.**
20 A. Me, no.
21 **Q. Did you maintain files as president**
22 **of Anderson-Blake?**
23 A. I had files. I don't know where
24 they are. I had stuff, the stuff I was
25 bidding on and all in a file.

Page 73

1 **Bellando**
2 **why you were signing the contract and not him**
3 **if he was the boss?**
4 MS. BUDD: Objection.
5 Asked and answered.
6 MS. GASTWIRTH: Objection.
7 Asked and answered.
8 MR. SEFF: I don't think so.
9 A. He wasn't around. He asked me if I
10 could go in and sign something on
11 Anderson-Blake. I was signator on the
12 account.
13 **Q. As you said you were signator on**
14 **the account; what does that mean?**
15 A. The business. The business.
16 **Q. In other words, you had signing**
17 **authority on the Anderson-Blake account?**
18 A. Correct.
19 **Q. Did he have signing authority as**
20 **well?**
21 A. I believe so. I don't see the
22 things he signs.
23 **Q. So as far as you know, the only**
24 **reason that you signed Exhibit 56 rather than**
25 **Mr. Melius is because he wasn't around?**

1 **Bellando**
2 A. I believe so.
3 **Q. Do you know where he was?**
4 A. No.
5 **Q. Do you know what the urgency was**
6 **that it had to be signed that particular day?**
7 A. No, I really didn't ask. He just
8 told me to go in.
9 **Q. And sign it and you did?**
10 A. And I did.
11 **Q. Do you think there was anything odd**
12 **about the fact that you were being asked to**
13 **sign as opposed to him?**
14 A. Not at all.
15 **Q. Why not?**
16 A. There's always things that come up
17 and I guess he depends on me to do things. If
18 he's not around, I will fill in for him.
19 **Q. I believe you testified earlier**
20 **that you were up at the casino working on the**
21 **project and that you reported to Mr. Thornton,**
22 **William Thornton, and Mr. Roger Diller; is that**
23 **right?**
24 A. Correct.
25 **Q. Mr. Thornton was the project**

1 **Bellando**
2 **Q. But you definitely took direction**
3 **from Mr. Thornton and Mr. Diller as opposed**
4 **from them taking direction from you?**
5 A. I took direction from Mr. Thornton
6 on helping him finish because he was the
7 project manager.
8 **Q. Did you consider him your superior?**
9 A. No.
10 **Q. Did you understand him to be**
11 **working for Anderson-Blake?**
12 A. Correct.
13 **Q. Is the project manager of**
14 **Anderson-Blake a higher rank than president?**
15 A. No.
16 **Q. President is higher?**
17 A. Should be.
18 **Q. Why was it that you were taking**
19 **direction from him as opposed to the other way**
20 **around?**
21 A. I was taking direction to assist
22 helping out on the final -- getting the place
23 open. He was the project manager who knew
24 what had to be done. I was just there to help
25 him.

1 **Bellando**
2 **manager; is that right?**
3 A. Yes.
4 **Q. What about Mr. Diller?**
5 A. He was the architect.
6 **Q. Do you know who he worked for?**
7 A. I don't know where he got paid
8 from.
9 **Q. Did you sign paychecks as president**
10 **of Anderson-Blake?**
11 A. I don't know. I don't know. No, I
12 didn't sign paychecks.
13 **Q. So you didn't sign Mr. Thornton's**
14 **paycheck?**
15 A. I didn't sign Mr. Thornton's
16 paycheck.
17 **Q. What about Mr. Diller?**
18 A. No.
19 **Q. Nobody's paycheck did you sign?**
20 A. No, I don't know. They had a stamp
21 with my name. They stamped it.
22 **Q. Do you ever remember getting a**
23 **paycheck from Anderson-Blake?**
24 A. I don't remember. I mean, I could
25 have. I don't remember.

1 **Bellando**
2 **Q. Did you understand that Mr. Diller**
3 **was working for Anderson-Blake?**
4 A. I believe so.
5 **Q. Did you ever take direction from**
6 **Mr. Diller to do things when you were there?**
7 A. Yes, if he needed stuff done we
8 would do it.
9 **Q. Do you know Mr. Warren Schiffman?**
10 A. Yes.
11 **Q. Who is he, if you know?**
12 A. He was our architect.
13 **Q. He was the architect prior to**
14 **Mr. Diller?**
15 A. Correct.
16 **Q. Did you ever work with**
17 **Mr. Schiffman?**
18 A. No.
19 **Q. Just to go back over your career,**
20 **you've basically been employed by Mr. Melius**
21 **in one capacity or another since 1983?**
22 A. Correct.
23 **Q. Have you ever worked for anybody**
24 **else during that time?**
25 A. No.

<p style="text-align: right;">Page 78</p> <p>1 Bellando</p> <p>2 Q. Did you ever work for Ivan Kaufman?</p> <p>3 A. No.</p> <p>4 Q. Do you know who Ivan Kaufman is?</p> <p>5 A. Yes.</p> <p>6 Q. Have you ever met him?</p> <p>7 A. A few times.</p> <p>8 Q. Did you ever work for Walter Horn?</p> <p>9 A. No.</p> <p>10 Q. Did you ever work for John</p> <p>11 Natalone?</p> <p>12 A. No.</p> <p>13 Q. Did you ever work for a company</p> <p>14 called Massena Management?</p> <p>15 A. No.</p> <p>16 Q. And I believe you testified already</p> <p>17 you never worked for a company called</p> <p>18 President; is that right?</p> <p>19 A. That's correct.</p> <p>20 Q. In 1999, say, January to April of</p> <p>21 1999, you were working for Anderson-Blake; is</p> <p>22 that right?</p> <p>23 A. Right.</p> <p>24 Q. And no other companies?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 79</p> <p>1 Bellando</p> <p>2 MR. SEFF: Let me mark this next in</p> <p>3 order.</p> <p>4 (Plaintiff's Exhibit 57, letter</p> <p>5 dated to John Ransom from Richard</p> <p>6 Bellando date 2/4/99, marked for</p> <p>7 identification, as of this date, by the</p> <p>8 reporter.)</p> <p>9 Q. Mr. Bellando, I'm showing you a</p> <p>10 document that's been marked as Exhibit 57 for</p> <p>11 identification. It's a letter dated February</p> <p>12 4, 1999. It appears to have your signature on</p> <p>13 it. Why don't you take a look at that.</p> <p>14 Take as much time as you need to</p> <p>15 look at that and let me know when you're</p> <p>16 ready.</p> <p>17 A. Okay.</p> <p>18 Q. Have you ever seen this letter</p> <p>19 before, Mr. Bellando?</p> <p>20 A. I must have.</p> <p>21 Q. You say that because you signed it?</p> <p>22 A. Uh-hmm.</p> <p>23 Q. Is that "yes?"</p> <p>24 A. Yes.</p> <p>25 Q. Do you recognize your signature on</p>
<p style="text-align: right;">Page 80</p> <p>1 Bellando</p> <p>2 it?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall signing this letter?</p> <p>5 A. I don't recall.</p> <p>6 Q. Well, it's right in that time</p> <p>7 period that we've been discussing?</p> <p>8 A. Yes.</p> <p>9 Q. It is February 4, 1999?</p> <p>10 A. Right.</p> <p>11 Q. Which is right in that window of</p> <p>12 January to April we've been talking about;</p> <p>13 isn't that right?</p> <p>14 A. Correct.</p> <p>15 Q. Do you know if this concerns the</p> <p>16 Akwesasne casino?</p> <p>17 A. It looks like it.</p> <p>18 Q. What is the company letterhead?</p> <p>19 A. President R.C..</p> <p>20 Q. Do you have any explanation,</p> <p>21 Mr. Bellando, as to why in February of '99 you</p> <p>22 were signing a letter on President letterhead?</p> <p>23 A. No.</p> <p>24 Q. Does this surprise you?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 81</p> <p>1 Bellando</p> <p>2 Q. Why not?</p> <p>3 A. Because, again, there's things I</p> <p>4 would just sign if they put it in front of me.</p> <p>5 Q. It says here under your name</p> <p>6 there's a signature which you've identified as</p> <p>7 yours. It says your name and underneath it</p> <p>8 says "assistant project manager;" do you see</p> <p>9 that?</p> <p>10 A. Yes.</p> <p>11 Q. Did you ever have a title of</p> <p>12 assistant project manager?</p> <p>13 A. I guess I was.</p> <p>14 Q. Were you the assistant project</p> <p>15 manager for President R.C. Saint Regis</p> <p>16 Management Company?</p> <p>17 A. I guess so.</p> <p>18 Q. What's going on here, you've</p> <p>19 written a letter to Mr. John Ransom.</p> <p>20 Do you know that name?</p> <p>21 A. Heard of it.</p> <p>22 Q. You heard of it before just now?</p> <p>23 A. I heard of it before.</p> <p>24 Q. Who is Mr. John Ransom; if you</p> <p>25 know?</p>

1 **Bellando**
2 A. I don't know his position.
3 **Q. Do you recognize the company there**
4 **under his name, J&J Insurance Company of**
5 **Hogansburg, New York?**
6 A. Right. I don't know it.
7 **Q. You say here in the letter, there's**
8 **a re line and it appears to be an insurance**
9 **policy; do you see that?**
10 A. Yes.
11 **Q. Then you write "Dear Mr. Ransom, as**
12 **a followup to our telephone conversation,**
13 **please accept this correspondence as**
14 **authorization for you to increase the limits**
15 **on the above referenced policy as follows:**
16 **1. Increase limits of insurance to**
17 **\$16,500,000.**
18 **2. Increase the deductible to**
19 **\$5,000.**
20 **In the event you have any questions**
21 **or comments, please give me a call.**
22 **Sincerely. Richard Bellando."**
23 **Mr. Bellando, do you recall a**
24 **conversation with Mr. Ransom that you were**
25 **following up on?**

1 **Bellando**
2 A. No.
3 **Q. Did you have a telephone**
4 **conversation with Mr. Ransom?**
5 A. Not that I'm aware of.
6 **Q. So reading this letter doesn't**
7 **refresh your recollection that you spoke to a**
8 **Mr. Ransom about increasing insurance**
9 **coverage?**
10 A. Not at all.
11 **Q. Not at all, no recollection of that**
12 **whatsoever?**
13 A. No.
14 **Q. Are you testifying that that**
15 **conversation did not take place or you don't**
16 **recall?**
17 A. I'm testifying I don't recall.
18 **Q. It could have taken place, you just**
19 **don't recall?**
20 A. Yes, I don't recall.
21 **Q. Would that be something that you**
22 **would be doing in February of 1999, calling an**
23 **insurance agency to increase the policy**
24 **limits?**
25 A. If it was something I was given. I

1 **Bellando**
2 **don't remember.**
3 **Q. Was there a company called**
4 **President R.C. Saint Regis Management Company**
5 **located One Old Country Road, suite 420 in**
6 **February of 1999?**
7 A. I wasn't aware of it.
8 **Q. Now, it says here "in the event you**
9 **have any questions or comments, please give me**
10 **a call."**
11 **Do you recall Mr. Ransom calling**
12 **you with any questions or comments following**
13 **this letter?**
14 A. No.
15 **Q. By the way, looking down at the**
16 **bottom of the letter it's got what I believe**
17 **to be your initials, R.B. with a slash and**
18 **then the letters "EMO;" do you see that?**
19 A. Yes.
20 **Q. Who is EMO, if you know?**
21 A. I believe it's an Elise Olson.
22 **Q. Who is she?**
23 A. Secretary.
24 **Q. Secretary for whom?**
25 A. Mr. Melius.

1 **Bellando**
2 **Q. Okay, thank you.**
3 **Q. Now, what were you doing,**
4 **Mr. Bellando, in May of 2000, which is a year**
5 **and a month roughly after the casino opened?**
6 A. After the casino --
7 **Q. Say 13 months after the casino**
8 **opened, what were you doing for work?**
9 A. I was doing the sales for the
10 weddings at Oheka Castle.
11 **Q. So you were back functioning**
12 **fulltime as banquet manager?**
13 A. Sales manager.
14 **Q. Sales manager.**
15 **I'm sorry going over your career in**
16 **such detail.**
17 **You had different duties. You said**
18 **in '98 you were the banquet manager. You did**
19 **that for roughly a year, year and a half and**
20 **then you helped out with the casino.**
21 **We're talking a year after the**
22 **casino opened did you have a new position at**
23 **that point?**
24 A. Sales manager.
25 **Q. Sales manager, I don't know if we**

<p style="text-align: right;">Page 86</p> <p>1 Bellando</p> <p>2 talked about that. If we did, I apologize.</p> <p>3 That was a position you held after</p> <p>4 being banquet manager?</p> <p>5 A. After the casino opened, I went</p> <p>6 into the sales end.</p> <p>7 Q. Oh, okay. Hold on just a second.</p> <p>8 You did testify right at the</p> <p>9 beginning of the deposition you were the sales</p> <p>10 manager.</p> <p>11 So in May of 2000, you were back as</p> <p>12 being sales manager?</p> <p>13 A. Correct.</p> <p>14 Q. In May of 2000, did you have</p> <p>15 anything at all still to do with the casino</p> <p>16 which had been open for 13 months at that</p> <p>17 point?</p> <p>18 A. I don't remember if I did anything</p> <p>19 else on it. I mean, I could have if they</p> <p>20 asked me to do something.</p> <p>21 Q. You don't remember doing anything?</p> <p>22 A. No.</p> <p>23 MS. GASTWIRTH: As you sit here</p> <p>24 today.</p> <p>25 That's what he's testifying, he</p>	<p style="text-align: right;">Page 87</p> <p>1 Bellando</p> <p>2 doesn't remember.</p> <p>3 MR. SEFF: I understand.</p> <p>4 Everything is as you sit here</p> <p>5 today.</p> <p>6 MS. GASTWIRTH: Okay.</p> <p>7 MR. SEFF: Let's back up for a</p> <p>8 second.</p> <p>9 Q. You attended the grand opening; is</p> <p>10 that right?</p> <p>11 A. Correct.</p> <p>12 Q. Which I'll tell you is April 11,</p> <p>13 1999.</p> <p>14 Did you do anything in connection</p> <p>15 with the casino project after the grand</p> <p>16 opening, if you remember?</p> <p>17 A. I don't. I'm trying to remember.</p> <p>18 Q. Did you visit the casino again</p> <p>19 after the grand opening?</p> <p>20 A. I think I did. I think I was up</p> <p>21 there one other time after it opened.</p> <p>22 Q. Was that for business or pleasure?</p> <p>23 A. More for pleasure.</p> <p>24 Q. Do you remember when that was?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 88</p> <p>1 Bellando</p> <p>2 Q. How many months after the opening,</p> <p>3 give or take?</p> <p>4 A. No. Maybe a few months after.</p> <p>5 Q. Still in '99?</p> <p>6 A. Could have.</p> <p>7 Q. We talked for a moment or so a</p> <p>8 little bit earlier about a company call Archon</p> <p>9 Design.</p> <p>10 I believe you testified that you</p> <p>11 heard of it, but you didn't know anything</p> <p>12 about it; is that right?</p> <p>13 A. That's correct.</p> <p>14 Q. You said you didn't know what type</p> <p>15 of company it was. You didn't know who owned</p> <p>16 it. You didn't know where it was located.</p> <p>17 You said it was at 135 West Gate</p> <p>18 Drive, but that you had never worked there; is</p> <p>19 that right?</p> <p>20 A. Correct, never worked for the</p> <p>21 company.</p> <p>22 Q. But you did say it was located at</p> <p>23 135 West Gate Drive which is the castle?</p> <p>24 A. Correct.</p> <p>25 Q. And as you sit here today, to</p>	<p style="text-align: right;">Page 89</p> <p>1 Bellando</p> <p>2 paraphrase Ms. Gastwirth, you don't know who</p> <p>3 owned it back in '98 to 2000?</p> <p>4 A. I don't know who started the</p> <p>5 company, no.</p> <p>6 Q. I'm not asking you who started it.</p> <p>7 I'm asking you who owned it.</p> <p>8 A. Yes. I didn't know who owned it.</p> <p>9 Q. You're certain you didn't work for</p> <p>10 it?</p> <p>11 A. I didn't it work for it, no.</p> <p>12 MR. SEFF: Let's mark this next in</p> <p>13 order.</p> <p>14 (Plaintiff's Exhibit 58, letter</p> <p>15 "To Whom it May Concern" from Richard</p> <p>16 Bellando dated May 16, 2000, marked for</p> <p>17 identification, as of this date, by the</p> <p>18 reporter.)</p> <p>19 Q. All right, Mr. Bellando. I'm going</p> <p>20 to show you a document that's been marked as</p> <p>21 Exhibit 58 for identification. It appears to</p> <p>22 be a letter signed by you dated May 16, 2000.</p> <p>23 I'll ask you to take as much time</p> <p>24 as you need to review it and then let me know</p> <p>25 when you're ready.</p>

<p style="text-align: right;">Page 90</p> <p>1 Bellando</p> <p>2 A. Okay.</p> <p>3 Q. Have you had a chance to review</p> <p>4 Exhibit 58?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recognize the letter?</p> <p>7 A. I don't recognize it, but I know I</p> <p>8 signed it.</p> <p>9 Q. You recognize your signature on the</p> <p>10 letter?</p> <p>11 A. Yes.</p> <p>12 Q. Having had a chance to review it,</p> <p>13 do you recall signing the letter back in May</p> <p>14 2000?</p> <p>15 A. I don't recall it, but that's my</p> <p>16 signature.</p> <p>17 Q. Now, this appears to be a letter</p> <p>18 addressed to President R.C. Saint Regis</p> <p>19 Management Company and the Saint Regis Mohawk</p> <p>20 Tribe. It says "to whom it may concern."</p> <p>21 It's not addressed to a particular individual.</p> <p>22 Do you recall mailing or faxing</p> <p>23 this letter either to President or to the</p> <p>24 tribe?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 91</p> <p>1 Bellando</p> <p>2 Q. It says here that there's an</p> <p>3 enclosure, "a certified architect of the State</p> <p>4 of New York signed all AIA applications and</p> <p>5 certificates for payment (see attached</p> <p>6 certificate)."</p> <p>7 The enclosure is not attached to</p> <p>8 this exhibit.</p> <p>9 Do you recall what the enclosure</p> <p>10 was?</p> <p>11 A. No.</p> <p>12 MS. GASTWIRTH: The document speaks</p> <p>13 for itself.</p> <p>14 Q. Now, this letter is on the</p> <p>15 letterhead of Archon Design Limited.</p> <p>16 Do you see that in the upper</p> <p>17 lefthand corner?</p> <p>18 A. Yes.</p> <p>19 Q. Now, you testified just a moment</p> <p>20 ago that you never worked for Archon Design</p> <p>21 Limited and, in fact, you didn't even know</p> <p>22 what type of company it was.</p> <p>23 Do you recall that testimony?</p> <p>24 A. Right.</p> <p>25 MS. BUDD: Objection.</p>
<p style="text-align: right;">Page 92</p> <p>1 Bellando</p> <p>2 MS. GASTWIRTH: Objection</p> <p>3 Wait for the objection.</p> <p>4 MR. SEFF: He understood it.</p> <p>5 MS. GASTWIRTH: I object to the</p> <p>6 mischaracterization.</p> <p>7 MR. SEFF: You don't like the</p> <p>8 testimony. It's not a</p> <p>9 mischaracterization.</p> <p>10 MS. GASTWIRTH: The witness</p> <p>11 should wait for the objection to be</p> <p>12 interposed.</p> <p>13 Quite frankly, you've been</p> <p>14 characterizing and summing up the</p> <p>15 testimony throughout.</p> <p>16 I'm not going to let it go on any</p> <p>17 further.</p> <p>18 MR. SEFF: His testimony is</p> <p>19 whatever it is.</p> <p>20 MS. GASTWIRTH: I don't need you to</p> <p>21 sum it up. It's confusing and wrong.</p> <p>22 MS. BUDD: Ask your question.</p> <p>23 Q. Why are you signing a letter in May</p> <p>24 of 2000 on Archon letterhead, if you know?</p> <p>25 A. Probably because I was told to sign</p>	<p style="text-align: right;">Page 93</p> <p>1 Bellando</p> <p>2 it.</p> <p>3 Q. By whom?</p> <p>4 A. Whoever. I don't remember.</p> <p>5 Q. You don't remember who told you to</p> <p>6 sign this?</p> <p>7 A. No.</p> <p>8 Q. Did you write the letter?</p> <p>9 A. No.</p> <p>10 Q. Do you remember sitting down, as it</p> <p>11 appears, to be done on some sort of word</p> <p>12 processor?</p> <p>13 Do you remember sitting down on a</p> <p>14 computer and typing this letter?</p> <p>15 A. Not at all.</p> <p>16 Q. In fact, it sounds as if you're</p> <p>17 certain you did not type it.</p> <p>18 A. I'm sure I didn't type it.</p> <p>19 MS. GASTWIRTH: Objection.</p> <p>20 The letter speaks for itself.</p> <p>21 MR. SEFF: I'm not asking "if."</p> <p>22 I'm asking who typed it.</p> <p>23 MS. GASTWIRTH: Ask who typed it.</p> <p>24 MR. SEFF: You can ask questions</p> <p>25 when I'm done.</p>

<p style="text-align: right;">Page 94</p> <p>1 Bellando</p> <p>2 MS. GASTWIRTH: I'm not going to</p> <p>3 allow you to mislead the witness.</p> <p>4 MR. SEFF: This witness understood</p> <p>5 every question. He's doing fine.</p> <p>6 MS. GASTWIRTH: You're being sarcastic,</p> <p>7 did you type the letter.</p> <p>8 Why don't you ask him?</p> <p>9 Q. Do you know who typed the letter?</p> <p>10 I'm not trying to mislead you; do</p> <p>11 you understand that?</p> <p>12 A. I see the initials. I'm not sure</p> <p>13 she typed it.</p> <p>14 Q. EMO, I think you said her name was</p> <p>15 Elise?</p> <p>16 A. Correct.</p> <p>17 Q. Did you ask Elise to type this</p> <p>18 letter for you?</p> <p>19 A. No.</p> <p>20 Q. Did you write the letter out by</p> <p>21 hand on paper and present it to her to type</p> <p>22 for you?</p> <p>23 A. No.</p> <p>24 Q. Let's look at the letter. It says</p> <p>25 in the first paragraph first sentence "with</p>	<p style="text-align: right;">Page 95</p> <p>1 Bellando</p> <p>2 respect to the applications and certificates</p> <p>3 for payment to the subcontractors, and in a</p> <p>4 accordance with the contract documents based</p> <p>5 on on-site observations and the data</p> <p>6 comprising these applications the contractor,</p> <p>7 Anderson-Blake Construction Corporation and</p> <p>8 architect Archon Design Limited certify to the</p> <p>9 Saint Regis Mohawk Tribe that to the best of</p> <p>10 their knowledge and belief the quality of the</p> <p>11 work was in accordance with the contract</p> <p>12 documents and specifications and the</p> <p>13 contractors were entitled to payment of the</p> <p>14 amount certified."</p> <p>15 What was the purpose of it that</p> <p>16 paragraph, if you know?</p> <p>17 A. I don't know.</p> <p>18 Q. Let's look at the next paragraph.</p> <p>19 MS. GASTWIRTH: Other than what's</p> <p>20 stated in the document, the document</p> <p>21 speaks for itself.</p> <p>22 If you want to ask him if he has</p> <p>23 independent knowledge outside of what the</p> <p>24 document says, you can ask him that.</p> <p>25 Otherwise, you're just reading from the</p>
<p style="text-align: right;">Page 96</p> <p>1 Bellando</p> <p>2 document and it speaks for itself.</p> <p>3 MR. SEFF: I'm asking if he</p> <p>4 understands what's going on here.</p> <p>5 MS. GASTWIRTH: Why don't you ask</p> <p>6 him that.</p> <p>7 MR. SEFF: Could we have the last</p> <p>8 question and answer read back, please.</p> <p>9 I really find these interruptions</p> <p>10 to be unnecessary.</p> <p>11 MS. GASTWIRTH: I think this is the</p> <p>12 last one on Archon. This Complaint is</p> <p>13 all about Anderson-Blake. I'm not going</p> <p>14 to let you ask any more questions. If</p> <p>15 you want to ask in the State case, that's</p> <p>16 fine.</p> <p>17 MR. SEFF: If I have any more</p> <p>18 questions, I'll ask them and you can</p> <p>19 instruct him not to answer.</p> <p>20 MS. GASTWIRTH: Okay.</p> <p>21 MR. SEFF: Read back the last</p> <p>22 question and answer.</p> <p>23 (Record read.)</p> <p>24 Q. Mr. Bellando, are you aware of any</p> <p>25 business relationship between Anderson-Blake</p>	<p style="text-align: right;">Page 97</p> <p>1 Bellando</p> <p>2 and this company Archon Design Limited?</p> <p>3 A. Business relationship?</p> <p>4 Q. Of any sort.</p> <p>5 A. Yes.</p> <p>6 Q. What is the business relationship</p> <p>7 between Anderson-Blake and Archon Design</p> <p>8 Limited?</p> <p>9 A. I believe it's all affiliated. We</p> <p>10 have the architect in our office who is part</p> <p>11 of Archon.</p> <p>12 Q. As you understand it,</p> <p>13 Anderson-Blake and Archon or affiliated</p> <p>14 companies?</p> <p>15 MS. BUDD: Objection.</p> <p>16 MS. GASTWIRTH: Objection.</p> <p>17 MR. SEFF: He used the word</p> <p>18 "affiliated."</p> <p>19 Q. What is your understanding?</p> <p>20 A. I know the architect in our office</p> <p>21 that works for Archon.</p> <p>22 Q. Who was that?</p> <p>23 A. Roger Diller.</p> <p>24 Q. I thought you testified a moment</p> <p>25 ago or a couple of minutes ago that Mr. Diller</p>

<p style="text-align: right;">Page 98</p> <p>1 Bellando 2 worked for Anderson-Blake. 3 Does Mr. Diller currently work in 4 your office? 5 A. Yes. 6 Q. At One Old Country Road or 135 West 7 Gate? 8 A. 135. 9 Q. For which company does he currently 10 work, if you know? 11 A. I believe Archon. 12 Q. Back in 1999 when he was the 13 architect on the project up at Akwesasne, do 14 you know who he worked for then? 15 A. I assumed Anderson-Blake. 16 MS. GASTWIRTH: I don't want you to 17 speculate. 18 If you don't know, say you don't 19 know. 20 MR. SEFF: I just asked him what 21 his understanding was at that time. 22 MS. GASTWIRTH: Understanding is 23 not good enough for me. 24 Don't speculate. I'm going to 25 direct the witness not to speculate. If</p>	<p style="text-align: right;">Page 99</p> <p>1 Bellando 2 you're not 100 percent sure, don't guess. 3 Tell him you don't know. 4 MR. SEFF: Mr. Bellando has already 5 testified in this litigation between the 6 Tribe and President, he talked about who 7 he thought he worked for. 8 Q. Anything else that you understand, 9 Mr. Bellando, about the relationship, if any, 10 between Archon and Anderson-Blake? 11 A. No. 12 Q. Is Anderson-Blake a going concern 13 today? 14 MS. GASTWIRTH: Objection. 15 Asked and answered and it's a legal 16 conclusion. 17 Q. You can answer. 18 A. I said no. 19 Q. You don't think it's a going 20 concern today? 21 A. No. 22 Q. Why is that? 23 A. I don't think Anderson-Blake 24 exists. 25 Q. What about Archon?</p>
<p style="text-align: right;">Page 100</p> <p>1 Bellando 2 A. Archon is still around. 3 Q. Archon is still around? 4 A. Right. 5 Q. But not Anderson-Blake? 6 A. Right. 7 MR. SEFF: I don't have any further 8 questions for this witness. 9 MS. GASTWIRTH: I just need a few 10 moments. 11 Let me step outside with the 12 witness. 13 EXAMINATION 14 BY MS. GASTWIRTH: 15 Q. In reviewing things that were 16 mentioned before, I think you mentioned that 17 you remembered one job that Anderson-Blake 18 performed which was the casino, building the 19 casino, were there other construction projects 20 undertaken by Anderson-Blake? 21 A. I remember the IRS. We did an IRS 22 building that we renovated. 23 Q. Was Anderson-Blake in existence, to 24 your knowledge, prior to the date you signed 25 this contract which was January 1998?</p>	<p style="text-align: right;">Page 101</p> <p>1 Bellando 2 A. Correct. 3 Q. Now, in giving your employment, the 4 various duties you performed over the years, 5 were there other things that came to mind? 6 A. Well, yes. There was a time lapse 7 where we sold the castle. I believe from '93 8 to '96, we sold the castle and we managed it 9 for a short time, but then I moved on to One 10 Old Country Road where I was building manager 11 for about a year and a half, maybe two years. 12 Q. Do you have or did you have a 13 personal relation family relation to Gary 14 Melius? 15 A. He was my father-in-law. 16 Q. So you've worked for Gary Melius 17 and various of his companies pretty much from 18 the day you started working for him in 1988 19 through now? 20 A. Correct. 21 Q. Can you describe that relationship 22 or would you describe it as a very close and 23 respected one? 24 A. Oh, oh, definitely. We became 25 family in, I believe, '88 or '89. I married</p>

1 Bellando
 2 his daughter. We got divorced in I think '91,
 3 but we all stayed close and pretty friendly.
 4 He's like a father to me Gary.
 5 **Q. Does he rely on you to do things**
 6 **in various of his companies?**
 7 A. Yes.
 8 **Q. Is it fair to say you're probably**
 9 **one of the closest people that he relies on to**
 10 **run various of his companies?**
 11 A. I think I'm the closest.
 12 **Q. Now, we talked about**
 13 **Anderson-Blake.**
 14 **Who was the heart or the core of**
 15 **Anderson-Blake?**
 16 **Who are the people as far as the**
 17 **casino project was concerned?**
 18 A. You mean who was the main --
 19 **Q. Who were the day-to-day people in**
 20 **that office that ran that project?**
 21 A. Well, it was Mr. Melius, William
 22 Thornton. In the beginning we had Warren
 23 Schiffman until Mr. Diller came on, after
 24 Mr. Schiffman left. We had some secretaries.
 25 **Q. Who was Joan Lazarro?**

1 **Bellando**
 2 A. She was Bill Thornton's personal
 3 secretary.
 4 **Q. Now, do you remember that the**
 5 **actual construction of the casino actually**
 6 **began much earlier than January 1998; were you**
 7 **aware of that?**
 8 A. I remember talking with Mr. Melius
 9 and there was a deal and I remember, yes, that
 10 he was moving forward.
 11 **Q. Now, although you're close with**
 12 **Mr. Melius and worked in various of his**
 13 **companies, do you have direct knowledge of the**
 14 **payrolls of each of these companies?**
 15 A. No.
 16 **Q. So, for example, would you be able**
 17 **to sit here with any certainty saying that**
 18 **Roger Diller worked for Anderson-Blake or he**
 19 **worked for Archon?**
 20 **Would you have any certainty about**
 21 **that?**
 22 A. No.
 23 **Q. Or who they were paid by?**
 24 A. No, I don't even know where I'm
 25 paid from half the time.

1 Bellando
 2 MS. GASTWIRTH: That's all I have.
 3 MR. SEFF: Just give me a moment.
 4 Just a couple of questions
 5 following up on Ms. Gastwirth's
 6 questions.
 7 BY MR. SEFF:
 8 **Q. Mr. Bellando, you testified about**
 9 **an IRS building that was constructed by**
 10 **Anderson-Blake.**
 11 A. That's correct.
 12 **Q. Where is that located?**
 13 A. It's in Garden City.
 14 **Q. Do you know the street address?**
 15 A. I don't remember it.
 16 **Q. Do you remember the year or years**
 17 **that it was built?**
 18 A. I'm guessing late eighties.
 19 **Q. Did you have anything to do with**
 20 **it?**
 21 A. I was there, same thing, to finish
 22 up with Mr. Thornton.
 23 **Q. Any projects between the IRS**
 24 **building and the casino that you can recall**
 25 **that Anderson-Blake worked on?**

1 **Bellando**
 2 A. I believe there was some office
 3 buildings that they were renovating at the
 4 time too, but I don't remember the whole
 5 project or where it was.
 6 **Q. When you say "at the time," do you**
 7 **mean at the time of the IRS?**
 8 A. After the IRS we went -- they went
 9 to another project.
 10 **Q. When you say "they," who are you**
 11 **referring to?**
 12 A. Mr. Thornton.
 13 **Q. This other project renovation, did**
 14 **you have anything to do with it?**
 15 A. No, the other one I didn't.
 16 **Q. You testified that Mr. Melius was**
 17 **your father-in-law and you became family in**
 18 **'88.**
 19 **I gather that was several years**
 20 **after you threw him off the property?**
 21 A. Correct.
 22 **Q. Even though you threw him off the**
 23 **property, he still let you marry his daughter?**
 24 A. Right.
 25 **Q. I'm just joking.**

<div>Page 106</div> <div> <p>1 Bellando</p> <p>2 Now, Ms. Gastwirth asked you, I</p> <p>3 believe, if you helped out in running the --</p> <p>4 the word she used "various" of his companies.</p> <p>5 Which of his companies do you help</p> <p>6 out in running?</p> <p>7 A. I guess whatever company it is. I</p> <p>8 mean, to me it's all one.</p> <p>9 Q. You testified that you recall that</p> <p>10 the casino construction commenced prior to</p> <p>11 1998. You weren't sure of the years, I guess,</p> <p>12 but whatever years it was, did you have</p> <p>13 anything to do with it?</p> <p>14 A. The casino?</p> <p>15 Q. The construction contract that we</p> <p>16 looked at, which is Exhibit 56, is dated</p> <p>17 January 1998.</p> <p>18 Ms. Gastwirth asked you if you</p> <p>19 recall that some construction had commenced on</p> <p>20 that casino project prior to '98.</p> <p>21 Do you recall that question?</p> <p>22 A. Yes.</p> <p>23 Q. I think you said you did recall</p> <p>24 that?</p> <p>25 A. Right.</p> </div>	<div>Page 107</div> <div> <p>1 Bellando</p> <p>2 Q. My first question to you is do you</p> <p>3 recall when that pre '98 construction took</p> <p>4 place?</p> <p>5 A. No.</p> <p>6 Q. Whenever it was, did you have</p> <p>7 anything to do with it?</p> <p>8 A. No.</p> <p>9 MR. SEFF: I don't have any other</p> <p>10 questions.</p> <p>11 MS. GASTWIRTH: Then that's it.</p> <p>12 We're done.</p> <p>13 (Time noted: 12:10 p.m.)</p> <p>14</p> <p>15</p> <p>16 RICHARD BELLANDO</p> <p>17</p> <p>18 Subscribed and sworn to before me</p> <p>19 this ____ day of _____, ____.</p> <p>20</p> <p>21</p> <p>22 NOTARY PUBLIC</p> <p>23</p> <p>24</p> <p>25</p> </div>
<div>Page 108</div> <div> <p>1 Bellando</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div>	<div>Page 109</div> <div> <p>1</p> <p>2 C E R T I F I C A T E</p> <p>3 S T A T E O F N E W Y O R K)</p> <p>4) ss.:</p> <p>5 C O U N T Y O F N A S S A U)</p> <p>6</p> <p>7 I, DONNA PALMIERI, a Notary Public</p> <p>8 within and for the State of New York, do</p> <p>9 hereby certify:</p> <p>10 That RICHARD BELLANDO, the witness</p> <p>11 whose deposition is hereinbefore set forth,</p> <p>12 was duly sworn by me and that such deposition</p> <p>13 is a true record of the testimony given by</p> <p>14 such witness.</p> <p>15 I further certify that I am not</p> <p>16 related to any of the parties to this action</p> <p>17 by blood or marriage; and that I am in no way</p> <p>18 interested in the outcome of this matter.</p> <p>19 IN WITNESS WHEREOF, I have hereunto</p> <p>20 set my hand this ____ day of _____,</p> <p>21 _____.</p> <p>22</p> <p>23</p> <p>24 DONNA PALMIERI</p> <p>25</p> </div>

[illegible]

<p>A</p> <p>abbreviate 41:5</p> <p>ability 8:2</p> <p>able 103:16</p> <p>about 11:3 14:2 15:10 16:10 20:10 21:2 23:13 26:17,18,20 26:22 30:8 31:21,22 37:16 39:4,23 41:6 41:14 47:24 48:12 55:18 56:7 57:2 59:3,15 64:13,15 66:22 67:3,16 72:2 74:12 75:4,17 80:12 83:8 86:2 88:8,12 96:13 99:6,9,25 101:11 102:12 103:20 104:8</p> <p>above 56:23 82:15</p> <p>accept 27:9 31:12 82:13</p> <p>accordance 95:4,11</p> <p>account 71:5,9,10 73:12,14,17</p> <p>accountant 46:11</p> <p>Accountants 49:11</p> <p>accounts 71:6</p> <p>action 109:16</p> <p>active 51:19</p> <p>actual 68:13 103:5</p> <p>actually 28:9 103:5</p> <p>added 56:10</p> <p>address 6:11 104:14</p> <p>addressed 90:18,21</p> <p>administer 5:14</p> <p>Advantage 13:3</p> <p>affect 8:2</p> <p>affiliated 97:9,13,18</p> <p>after 8:13 15:16 28:19 29:13 33:4 38:11 47:22,25 48:21 67:18 69:19,22 85:5 85:6,7,21 86:3,5 87:15,19,21 88:2,4 102:23 105:8,20</p> <p>again 38:13 54:3 70:3 81:3 87:18</p> <p>agency 83:23</p> <p>ago 43:5 46:21 52:15 91:20 97:25,25</p> <p>AGREED 5:3,7,11</p> <p>Agreement 55:12 110:14</p> <p>AIA 9:7,9 54:20 55:22 62:16,20 63:14,15 91:4</p> <p>Akwesasne 53:5 80:16 98:13</p> <p>allow 94:3</p> <p>almost 25:10</p>	<p>already 26:2 61:3 62:5 78:16 99:4</p> <p>although 103:11</p> <p>always 74:16</p> <p>AMERICA 1:4</p> <p>Among 36:7</p> <p>amount 68:6,7,14 95:14</p> <p>amounts 70:23</p> <p>Anderson 41:19,21</p> <p>Anderson-Blake 1:9 4:14 41:2,7,8,15 42:3,11,12,16,20 43:3,10,25 46:14,17 46:19,23 47:6 48:20 49:5,15 50:11,19 51:10 52:9,20,25 53:12,16 55:20 64:23 65:5,10 70:7 70:15 71:8,22 72:5 72:13,21 73:11,17 75:10,23 76:11,14 77:3 78:21 95:7 96:13,25 97:7,13 98:2,15 99:10,12,23 100:5,17,20,23 102:13,15 103:18 104:10,25</p> <p>another 14:14,22 60:6 77:21 105:9</p> <p>answer 7:7,10,11 50:6 96:8,19,22 99:17</p> <p>answered 49:21 73:5 73:7 99:15</p> <p>answers 40:20</p> <p>anybody 9:20 77:23</p> <p>anyone 13:7 35:4 58:11 59:23</p> <p>anything 8:5 9:16 21:2 31:14,17 32:17 35:12 36:11 45:8 46:7 49:4,7 50:21 52:7 53:19 54:6 59:17 70:11,12,13 71:14 74:11 86:15 86:18,21 87:14 88:11 99:8 104:19 105:14 106:13 107:7</p> <p>anywhere 49:16</p> <p>apologize 86:2</p> <p>appears 60:7 66:2 68:8,11 79:12 82:8 89:21 90:17 93:11</p> <p>applications 91:4 95:2,6</p> <p>approximately 18:3 22:25 23:14 27:6,21 33:7,9 44:20 47:17 47:20 53:21 54:8</p>	<p>71:3</p> <p>April 27:4,13 28:6,8,9 28:19 29:7 36:2 78:20 80:12 87:12</p> <p>architect 34:11 75:5 77:12,13 91:3 95:8 97:10,20 98:13</p> <p>Archon 39:2,4,16 88:8 91:15,20 92:24 95:8 96:12 97:2,7 97:11,13,21 98:11 99:10,25 100:2,3 103:19</p> <p>around 21:25 27:14 58:15,24 73:9,25 74:18 76:20 100:2,3</p> <p>article 68:5</p> <p>asked 26:6 29:9 43:5 45:13 52:24 73:5,7 73:9 74:12 86:20 98:20 99:15 106:2 106:18</p> <p>asking 25:25 52:6 89:6,7 93:21,22 96:3</p> <p>asks 6:24</p> <p>assist 34:4 76:21</p> <p>assistance 24:14</p> <p>assistant 81:8,12,14</p> <p>ASSOCIATES 3:3</p> <p>assume 27:10 40:19 52:12</p> <p>assumed 98:15</p> <p>attached 91:5,7</p> <p>attendance 28:10</p> <p>attended 87:9</p> <p>Attorney 4:13</p> <p>attorneys 3:4,12 4:4 5:4 8:7 9:21</p> <p>authority 73:17,19</p> <p>authorization 82:14</p> <p>authorized 5:13</p> <p>Avenue 2:14 3:15 4:7</p> <p>aware 17:4 45:24 46:2 52:18 53:14 58:3 83:5 84:7 96:24 103:7</p> <p>a.m 2:8</p>	<p>20:9,12,21 21:6,21 21:24 22:23 23:22 26:12,13 28:21 37:6 37:9 38:12 48:3 85:12,18 86:4</p> <p>bar 29:22</p> <p>BARR 3:3</p> <p>based 95:4</p> <p>basically 31:10 37:22 77:20</p> <p>became 17:13 42:21 101:24 105:17</p> <p>become 46:22</p> <p>before 2:15 5:13,15 6:16 7:7 24:7 25:24 53:25 55:2,17 56:7 62:11,24 63:8,8 64:7 65:6 79:19 81:22,23 100:16 107:18</p> <p>began 103:6</p> <p>beginning 11:22 37:14 86:9 102:22</p> <p>behalf 70:14</p> <p>being 23:22 24:4 26:12 45:9,10 49:15 69:3 74:12 86:4,12 94:6</p> <p>belief 95:10</p> <p>believe 8:22 9:2 10:14 15:6 16:21,24 17:18 22:9 23:7,15 26:9 28:8 29:20 37:2 42:18 46:20 49:9 50:23 51:18 52:24 57:4,22 58:8,12,20 58:23 60:4 66:25 67:17 68:17,18 70:16 73:21 74:2,19 77:4 78:16 84:16,21 88:10 97:9 98:11 101:7,25 105:2 106:3</p> <p>Bellando 1:16 2:12 6:1,10,14 7:1,25 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1,4 30:1 31:1 32:1,12 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1,17 56:1,23 57:1 58:1 59:1 60:1 61:1,17 62:1,3 63:1</p>	<p>64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 79:6,9,19 80:1,21 81:1 82:1,22,23 83:1 84:1 85:1,4 86:1 87:1 88:1 89:1 89:16,19 90:1 91:1 92:1 93:1 94:1 95:1 96:1,24 97:1 98:1 99:1,4,9 100:1 101:1 102:1 103:1 104:1,8 105:1 106:1 107:1,16 108:1 109:10 110:4,18,20 111:5,25</p> <p>below 61:16 62:4</p> <p>benefit 47:16 48:15</p> <p>BERLIN 4:3</p> <p>best 8:24 11:10 26:16 29:3 95:9</p> <p>between 5:4 19:10,20 45:9 55:12 70:3 96:25 97:7 99:5,10 104:23 110:15</p> <p>bid 30:2,14 31:11</p> <p>bidding 23:18 29:12 29:16 30:8 36:19 63:5 71:25</p> <p>bids 30:25 31:8,9,10 31:16 32:16 33:2 36:8</p> <p>Bill 64:20 103:2</p> <p>bit 64:20 88:8</p> <p>Blake 41:19,21</p> <p>blood 109:17</p> <p>boss 46:25 51:6 72:6,7 72:19,21 73:3</p> <p>both 59:2 60:22</p> <p>bottom 84:16</p> <p>break 55:18 56:7</p> <p>breaking 50:16</p> <p>bride 20:17</p> <p>bring 46:12</p> <p>brings 13:25 18:4</p> <p>Brush 4:15</p> <p>Budd 4:12,17 8:8 19:18 49:19 63:21 73:4 91:25 92:22 97:15</p> <p>build 65:19 68:21</p> <p>building 14:6,25 15:13,16,25 16:11 17:8,17,23 24:11,12 45:5,9,15 48:5 53:12,16 100:18,22 101:10 104:9,24</p> <p>buildings 105:3</p> <p>built 53:7 104:17</p>
---	--	--	---	---

business 27:4 40:7,8 73:15,15 87:22 96:25 97:3,6 <hr/> C C 3:2 4:2 6:2 109:2,2 cabinets 29:21 30:18 30:21 calendar 23:10,15 26:9 call 30:2,15,24 39:25 50:17 55:3,8 58:13 58:21,23 82:21 84:10 88:8 called 6:2 22:18 32:15 32:21 36:14 39:2,20 41:2 47:6,14 58:12 59:2,9,15 78:14,17 84:3 calling 30:24 36:20 83:22 84:11 came 8:13 16:15,18 25:16 26:10 101:5 102:23 Canada 35:17,18 capacity 62:25 77:21 capital 62:4 car 33:18 care 36:15,18 career 48:7 77:19 85:15 Carle 22:12 42:9 carpet 24:6 29:21 case 1:7 54:11 96:15 111:3 casino 9:5,10 22:9,22 23:3,12,18,20,23 25:20 26:7,21 27:4 27:19 28:9 31:18 32:18,19,22,25 33:5 33:9,11,20 36:4,15 37:9,21 38:11 53:5 53:7,13,17,20,25 65:19 70:17 74:20 80:16 85:5,6,7,20 85:22 86:5,15 87:15 87:18 100:18,19 102:17 103:5 104:24 106:10,14 106:20 casino's 54:7,15 castle 11:18,20,25 13:19 14:19 16:5,12 16:25 17:3,24 18:22 18:24 19:11,12,14 19:15 20:3 22:14 23:23 28:21 37:5,11 43:15,22 45:10 63:5 85:10 88:23 101:7,8 catering 18:9,23,24	19:7,11,13,13,15 28:22 37:5,12 43:22 ceased 42:4 CEO 72:17 ceremony 20:17 certain 62:8,9 67:8,11 67:13 89:9 93:17 certainty 103:17,20 certificate 91:6 certificates 91:5 95:2 certified 91:3 95:14 certify 95:8 109:9,15 chairman 72:15 chance 56:4 90:3,12 change 17:22 37:16 38:2 characterizing 92:14 charge 11:19 12:19 14:4,6 21:3 45:4 48:6 72:10,11 check 37:24 71:14 checks 70:13,14,21 71:3,6,14 circle 6:12 66:4 City 104:13 clarify 111:7 cleaned 15:16 close 23:25 24:2,4 101:22 102:3 103:11 closest 102:9,11 codes 111:6 colder 36:23 collected 31:10 32:16 collecting 36:8 collection 33:2 come 24:13 28:8 30:20 46:13 58:22 74:16 coming 37:25 46:19 commenced 106:10 106:19 commencement 67:3 67:19 comments 82:21 84:9 84:12 companies 11:11 17:22 19:20 30:2,24 30:25 31:7 38:20 44:4,7 46:15 78:24 97:14 101:17 102:6 102:10 103:13,14 106:4,5 company 1:8 3:14 4:6 4:14 10:22,23 11:11 13:3 16:18 17:19,21 18:19 37:17,22 38:8 38:25 39:7,19,21 40:4,25 41:9,20 43:25 44:4,6 50:21	51:4,19 52:6,8,9,14 53:6 54:12 78:13,17 80:18 81:16 82:3,4 84:3,4 88:8,15,21 89:5 90:19 91:22 97:2 98:9 106:7 compensated 14:9 compensation 14:11 38:2 Complaint 96:12 completion 67:16 comprising 95:6 computer 93:14 concept 49:15 concern 89:15 90:20 99:12,20 110:19 concerned 102:17 concerns 13:13 80:15 conclusion 99:16 conform 111:7 confused 58:18 confusing 32:7 92:21 connection 54:15 70:17 87:14 consider 76:8 constructed 104:9 construction 1:9 4:14 9:6,7,10 15:17 23:23 24:5 34:23 41:2,8 43:3 52:8,10 52:13,16,21,25 53:6 53:11,15,20 54:7,15 62:19 63:15 70:18 95:7 100:19 103:5 106:10,15,19 107:3 context 62:25 continue 26:13 contract 8:22,23 9:2,3 9:6,7,8,9 54:20 55:23 63:7,16 65:8 65:18,19 67:4 68:2 68:5 69:19 72:23 73:2 95:4,11 100:25 106:15 contractor 55:13 56:18,19 95:6 110:15 contractors 34:18 35:7 36:20 95:13 contracts 70:11 controls 19:13,14 convenient 50:16 conversation 46:24 47:4,13,18 48:8,12 49:12 65:6 82:12,24 83:4,15 conversations 59:18 copies 71:13 copy 69:18 core 102:14	corner 56:10 91:17 Cornwall 35:20 corporation 1:9 10:3 10:10,24 16:16 18:24 19:7,7 20:3 28:22 37:5,11 41:3 43:3,19,22 45:20 52:10 95:7 correct 6:22 7:4,21 8:9 10:11,13 11:21 11:23 12:6,8,22 13:14,20 14:15,21 15:9,19,20,23 16:13 18:5,18 21:15,22 22:15,17,24 24:15 25:18 26:8 27:10,25 28:4,5,7,12 29:2 30:6 31:13 33:3,6 33:19,21 34:9,21,24 36:10 37:6,13 38:7 38:15 43:4 44:9,17 45:7,16,19 49:17 53:8 54:9,10,13,16 54:23 55:21 56:22 56:25 57:24 59:4,22 60:11 67:20 69:12 72:11,20,24 73:18 74:24 76:12 77:15 77:22 78:19 80:14 86:13 87:11 88:13 88:20,24 94:16 101:2,20 104:11 105:21 111:8 correspondence 82:13 cost 62:19 68:21 Country 22:12 42:9 58:9,10 59:21 84:5 98:6 101:10 COUNTY 109:5 couple 43:5 72:3 97:25 104:4 court 1:2 5:16 7:2,7 coverage 83:9 crew 15:15 crossed 69:9 current 18:10 19:25 currently 9:23 51:19 98:3,9 <hr/> D D 6:2,2 110:2 Dan 19:2 DANIEL 3:7 data 95:5 date 55:14 57:11,18 57:21 58:2 59:7 67:3,5,17,18 68:2 79:6,7 89:17 100:24 111:4	dated 55:13 79:5,11 89:16,22 106:16 110:16,18,21 daughter 102:2 105:23 day 13:4 57:9 59:5 64:21 70:4 74:6 101:18 107:19 109:20 days 35:22,24 67:5 day-to-day 102:19 deal 103:9 Dear 82:11 decision 31:6 deductible 82:18 Defendant 3:12 4:4 4:13 Defendants 1:10 definitely 76:2 101:24 definitions 51:25 52:2 DEP 1:8 depends 64:11 74:17 deposition 1:16 2:12 5:12 6:15,21 8:6 86:9 109:11,12 describe 11:6 43:8 101:21,22 described 32:14 38:21 44:8 descriptive 72:8 Design 39:2,5,17 88:9 91:15,20 95:8 97:2 97:7 detail 85:16 determine 31:11 difference 19:10,12 45:9,12 differences 19:20 different 29:12 30:25 68:12 85:17 Diller 34:5,7,8,13 35:2 74:22 75:4,17 76:3 77:2,6,14 97:23,25 98:3 102:23 103:18 direct 98:25 103:13 direction 76:2,4,5,19 76:21 77:5 directions 34:25 110:7 director 46:3,5 directors 45:25 51:15 discussing 80:7 Discussion 36:25 distinct 44:6 DISTRICT 1:2,3 divorced 102:2 document 8:20,21,25 54:18,21 55:18,23 56:3,6 57:3,8,22
---	--	---	---	--

58:4,15,22 59:3,10 59:15,21 61:3 64:14 65:13,21 66:20 67:25 68:15 70:8 79:10 89:20 91:12 95:20,20,24 96:2 documents 8:18 9:18 54:14,17 70:7,10 95:4,12 doing 38:16 52:7 83:22 85:3,8,9 86:21 94:5 dollar 68:6,7,14 70:23 done 34:6,19 76:24 77:7 93:11,25 107:12 Donna 1:23 2:15 109:7,24 down 7:8 34:22 84:15 93:10,13 drawn 71:6 Drive 6:12 22:16 33:20 39:15 88:18 88:23 duly 6:3 109:12 during 17:16 20:13 21:11 23:14 29:5 31:14,18 32:13,17 33:25 35:8,25 36:3 36:11 37:2 38:3,6 38:21 40:13,17 42:6 42:12,16 45:3,14,23 59:17 77:24 duties 26:13 29:24 32:13 34:2 38:12 43:8 44:13 85:17 101:4 duty 65:9	38:19 43:6 101:3 enclosure 91:3,7,9 end 32:4 48:24 86:6 enough 98:23 entail 11:24 15:14 20:15 entities 16:23 entitled 95:13 entity 17:3 equipment 29:22 62:18 ERRATA 111:2 errors 111:8 ESQ 3:7,17 4:12,17 even 54:11 91:21 103:24 105:22 event 82:20 84:8 ever 6:15 13:15,17 28:25 38:16,18,25 39:16,19 40:25 43:15,18,21,24 49:14 51:8 52:20 63:7,12,19 70:3 75:22 77:5,16,23 78:2,6,8,10,13 79:18 81:11 every 94:5 Everybody 28:18 everything 20:24 29:4 32:12,23 34:17 35:11 48:11 87:4 ex 1:4 Exactly 21:10 EXAMINATION 6:6 100:13 110:3 111:4 examined 6:4 example 30:17 64:9 103:16 except 5:8 exhibit 55:11,24 57:23 62:11 63:9,13 65:9 73:24 79:4,10 89:14,21 90:4 91:8 106:16 EXHIBITS 110:12 exist 42:4 existed 42:13,17 65:5 existence 41:12 42:7 100:23 exists 99:24 explanation 80:20 extremely 43:7	105:17 far 69:4 72:22 73:23 102:16 Farmingdale 6:12 father 102:4 father-in-law 101:15 105:17 faxing 90:22 February 79:11 80:9 80:21 83:22 84:6 few 22:8 26:14 29:13 29:19 78:7 88:4 100:9 file 46:7,10 49:7 71:25 files 71:19,21,23 filing 5:5 fill 74:18 filled 13:4 final 24:7 76:22 finalize 26:7 finalizing 24:6 find 96:9 fine 27:2 48:17 94:5 96:16 finish 7:6 76:6 104:21 finished 23:24 24:4 finishing 23:18 first 8:12 25:19,25 29:8,13 49:21 57:7 61:13,13 65:9 94:25 94:25 107:2 five 8:12 10:8,10,16 10:20 11:3 13:24 30:24 31:7,8 33:10 33:22 35:9 Fly 33:14 flying 23:20 following 70:8 82:25 84:12 104:5 follows 6:5 82:15 followup 82:12 follow-up 58:23 force 5:14 form 5:8 32:9 41:17 55:12 58:25 62:17 62:21,22 63:6,15 68:13 110:14 Formica 29:21 forms 63:4 forth 109:11 forward 103:10 frankly 92:13 FRIEDMAN 4:3 friend 13:4 friendly 102:3 from 14:19 16:10,15 16:16,18 17:23 23:22 29:6 32:25 34:25 36:14,16 37:25 38:3,22 40:19	44:7 45:3 49:22 51:8 52:12 53:21 58:14,21,23 75:8,23 76:3,4,4,5,19 77:5 79:5 89:15 95:25 101:7,17 103:25 110:17,20 111:10 111:11,13,14,16,17 111:19,20,21,23 front 56:3 64:12,14 81:4 fulltime 38:13 85:12 functioning 85:11 FURNISHED 110:9 furniture 34:16 35:6 further 5:7,11 92:17 100:7 109:15 future 50:8	77:19 92:16 going 11:14 14:10 31:21 34:17 43:6 48:13 56:2 62:19 68:21 81:18 85:15 89:19 92:16 94:2 96:4,13 98:24 99:12 99:19 Goldstein 2:14 3:11 good 6:14 48:18 98:23 graduate 7:20,22 graduated 11:8,17 12:4 38:22 grand 28:10 87:9,15 87:19 great 48:19 groom's 20:18 guess 16:2 57:9 74:17 81:13,17 99:2 106:7 106:11 guessing 19:4 104:18
<hr/> E <hr/> E 3:2,2 4:2,2 6:2 109:2,2 110:2 each 6:25 103:14 earlier 74:19 88:8 103:6 easy 56:11 educational 7:17 effect 5:15 eighties 104:18 either 19:6,8,22 28:21 32:19 37:4,10 67:22 68:14 90:23 Elise 84:21 94:15,17 EMO 84:18,20 94:14 employed 9:23 10:6 12:24 18:20 37:4,10 77:20 employer 9:25 37:16 employers 38:20 employment 11:7	<hr/> F <hr/> F 109:2 fact 74:12 91:21 93:16 facts 111:7 fair 102:8 familiar 6:20 62:23 family 101:13,25	<hr/> G <hr/> gambling 24:8,10 Garden 104:13 Gary 101:13,16 102:4 Gastwirth 3:17 8:8,13 19:2,17 26:19,23 27:2 30:7 31:16,20 31:25 32:6 41:16 43:11 47:8 49:18 50:2,15,24 51:23 53:23 55:2,6 63:14 63:20 70:10,13 73:6 86:23 87:6 89:2 91:12 92:2,5,10,20 93:19,23 94:2,6 95:19 96:5,11,20 97:16 98:16,22 99:14 100:9,14 104:2 106:2,18 107:11 110:5 Gastwirth's 104:5 Gate 22:16 39:15 88:17,23 98:7 gather 49:22 53:20 64:15 67:21 71:13 105:19 Geez 16:2 generally 6:20 getting 17:20 31:25 32:23 36:22 75:22 76:22 give 29:10 30:22 82:21 84:9 88:3 104:3 given 83:25 109:13 giving 101:3 go 24:22 25:4 28:20 30:23 33:11 35:22 36:24 43:14 58:14 58:24 59:20 65:24 66:17 73:10 74:8	<hr/> H <hr/> H 6:2 half 20:11 22:3 38:4 85:19 101:11 103:25 hand 20:18 94:21 109:20 handle 31:9 handwriting 56:20 65:20,22 66:3,5,9 66:11,13,15,19,22 66:24 67:9,10,19,22 67:24 69:7,11,13 handwritten 67:4 69:10 happened 47:11 48:20 49:14 69:21 69:25 having 6:3 15:17 90:12 head 7:11 12:9 13:19 14:18 15:2,21 16:5 16:14 17:23 heard 13:8 38:25 39:6 39:19 40:3,25 81:21 81:22,23 88:11 heart 102:14 held 2:12 11:12 86:3 help 22:8,21 23:2,20 24:19,20,22 25:3,4 26:7,11 27:5 29:5 29:10,11 31:18 32:18,24 34:4,6,12 48:15 76:24 106:5 helped 28:2 29:15 36:13 85:20 106:3 helping 23:17 27:7 34:22 37:9 76:6,22	

<p>her 94:14,21 hereinbefore 109:11 hereof 67:5 hereunto 109:19 high 7:19,20,22 11:7 12:5 38:22 higher 76:14,16 him 13:9,9,10,15 25:4 29:9,10,11,15 31:21 31:22 32:3 43:12 47:15 49:16 58:13 59:11 60:15,19 72:19 73:2 74:13,18 76:6,8,10,19,25 78:6 94:8 95:22,24 96:6,19 98:20 99:3 101:18 105:20,22 hire 31:7 hired 13:13 hiring 15:15 21:3 history 11:7 43:7 53:2 Hogansburg 82:5 hold 13:22 15:24 20:8 20:17 86:7 honest 59:7 hopefully 47:2,15 48:14 65:7 Horn 60:8,12,14 78:8 Horn's 61:3 hotel 35:18 hour 14:12,20 17:9 hourly 17:12 hours 14:13 Hunting 22:18 Huntington 4:16 22:19</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>ID 110:13 idea 47:21 48:18 identification 55:14 79:7,11 89:17,21 identified 81:6 identify 11:10 imagine 71:12 immediately 22:22 28:3 important 7:10 impressed 13:12 inartfully 54:5 included 15:7 increase 82:14,16,18 83:23 increasing 83:8 independent 95:23 individual 41:20 90:21 INFORMATION 110:6 initials 84:17 94:12</p>	<p>install 31:2 instruct 96:19 insurance 82:4,8,16 83:8,23 interest 50:19 interested 109:18 interposed 92:12 interrupt 7:5 interruptions 96:9 involve 29:18 involved 48:24 involvement 48:25 involves 30:11 IRS 100:21,21 104:9 104:23 105:7,8 Ivan 78:2,4</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>January 27:14,15,16 27:16 28:6 29:6 36:2 37:3,8,14 53:22 54:8 57:12,13 57:17,21 62:23 64:15 78:20 80:12 100:25 103:6 106:17 Joan 102:25 job 1:24 11:12,13 16:14 52:16,16,17 52:21,25 63:5 64:3 64:5 100:17 jobs 14:5,9 23:19 29:11,12,17,19 36:20 38:19 43:9 John 78:10 79:5 81:19 81:24 110:17 joking 105:25 just 8:7,20,23 11:25 13:3 15:15 19:19 24:6,22 25:4 26:4 30:17 32:11 34:4 36:13 39:6 40:3 41:22 44:15 46:24 48:13 49:11 50:7 51:23 55:7,25 56:11 60:2,9,19 61:14,16 62:17 64:13 65:21 66:23 72:19 74:7 76:24 77:19 81:4,22 83:18 86:7 91:19 95:25 98:20 100:9 104:3,4 105:25 J&J 82:4</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kaufman 78:2,4 kept 14:6 kitchen 29:22 knew 64:25 65:5,7 72:19,22 76:23</p>	<p>know 18:21 19:21 20:4,20 25:9 29:8 33:9 36:19 37:18 39:4,7,10,12,23 40:4,11,16 41:6,14 41:19,23,25 42:3,11 42:15 46:11 47:7 48:23 49:25 50:14 50:15,25 52:17,18 52:21,23 53:3,9 60:12,16,19 61:6,22 62:16 63:22,23 64:12,19 65:4,22 69:21,24 71:5,8,11 71:12,16,23 72:14 72:16,18 73:23 74:3 74:5 75:6,7,11,11 75:20 77:9,11 78:4 79:15 80:15 81:20 81:25 82:2,6 84:20 85:25 88:11,14,15 88:16 89:2,4,8,24 90:7 91:21 92:24 94:9 95:16,17 97:20 98:10,14,18,19 99:3 103:24 104:14 knowing 12:18 knowledge 95:10,23 100:24 103:13 known 25:6</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>L 4:12,17 6:2,2 language 67:25 lapse 101:6 last 49:22 54:4 56:14 96:7,12,21 last-minute 23:19 late 104:18 LAW 4:12 lawyer 6:23 lawyers 9:14 lay 52:3 laying 34:17 Lazarro 102:25 leading 37:3 leads 68:18 learn 21:7,11 24:3 learning 21:8 least 10:20 33:10,22 33:24 left 32:4 60:9 102:24 lefthand 91:17 legal 51:25 99:15 let 13:7,9 31:9 49:24 50:15 79:2,15 89:24 92:16 96:14 100:11 105:23 letter 79:4,11,18 80:4 80:22 81:19 82:7</p>	<p>83:6 84:13,16 89:14 89:22 90:6,10,13,17 90:23 91:14 92:23 93:8,14,20 94:7,9 94:18,20,24 110:17 110:19 letterhead 80:18,22 91:15 92:24 letters 62:4 84:18 let's 29:17 30:17 36:24 41:18 43:14 57:2 64:13 66:17 67:2,15 72:2 87:7 89:12 94:24 95:18 Lexington 4:7 life 44:2 like 30:24 44:23 48:18 50:21 56:6 60:2 63:4 69:8 71:15 80:17 92:7 102:4 Limited 39:2,5 91:15 91:21 95:8 97:2,8 limits 82:14,16 83:24 line 62:5 82:8 111:9 111:11,12,14,15,17 111:18,20,21,22 Lippe 2:13 3:11 list 29:10 litigation 99:5 little 32:7 64:20 88:8 LLP 2:14 3:11 4:3 locate 30:4 located 39:12 40:16 40:17 42:8 84:5 88:16,22 104:12 long 8:16 10:6 13:22 15:24 20:8 23:11 25:11 47:22 look 10:19 19:25 54:25 55:7 56:6,13 58:25 67:2,15 79:13 79:15 94:24 95:18 looked 8:20 9:12 56:5 62:12,17 66:23 106:16 looking 84:15 looks 69:8 80:17 LORETTA 3:17 lot 63:22,24 lower 56:9</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M 3:17 machine 24:9 machines 24:7,8,10 made 20:24 31:6 41:22,23,25 70:21 mailing 90:22 main 22:7,10,21 23:2 23:11,22 25:12,15</p>	<p>32:19,20,25 36:6,16 58:8 102:18 maintain 71:21 maintained 15:17 maintaining 15:12 44:16 maintenance 14:5 15:11,12 21:4 44:5 44:11,14,15 45:5,11 45:18,23 46:16 make 15:15 50:17 51:8 55:3,8 56:11 managed 101:8 management 1:8 3:14 4:6 9:24 10:2,3,10 10:23 11:2 16:16 18:22 19:6,10,14,16 20:2 28:22 37:4,11 39:20 43:19 78:14 81:16 84:4 90:19 manager 10:5,9 14:25 15:25 16:11 17:8,17 17:24 18:11,13,17 20:9,12,21 21:7,21 21:24 22:23 23:22 24:25 26:12,13 28:21 37:6,10 38:12 45:6,9,15 48:3,5 75:2 76:7,13,23 81:8,12,15 85:12,13 85:14,18,24,25 86:4 86:10,12 101:10 many 6:18 33:7,25 35:22 88:2 March 1:18 2:7 mark 54:24 55:2,5,6 63:8 79:2 89:12 marked 55:13,23 56:2 57:23 61:2 62:11 63:13 79:6,10 89:16 89:20 Marlene 4:12,17 8:13 marriage 109:17 married 20:16 101:25 marry 105:23 Massena 78:14 matter 109:18 may 5:12 85:4 86:11 86:14 89:15,16,22 90:13,20 92:23 110:19 maybe 10:18 11:5 16:2 18:21,22 23:13 47:23 63:5 88:4 101:11 mean 12:20 24:8 30:14 34:8 37:20 59:25 60:2 70:11 72:9 73:14 75:24 86:19 102:18 105:7</p>
---	--	--	--	---

106:8 meaning 58:16 medications 8:2 meet 34:17 58:13 meeting 35:7 Melius 10:25 12:21,23 12:24 13:6 16:21,23 17:18 24:17 25:17 25:24 26:10 29:5 38:7 46:25 47:5,23 48:8 49:13 58:14,16 58:19,24 59:2,14 72:2,4 73:25 77:20 84:25 101:14,16 102:21 103:8,12 105:16 Meltzer 2:13 3:11 mention 43:9 mentioned 15:10 35:6 55:22 100:16,16 met 13:9 60:19 78:6 mind 101:5 Mineola 1:17 2:15 3:16 minutes 8:12,17 43:5 72:3 97:25 mirrors 29:22 mischaracterization 92:6,9 mislead 94:3,10 Mohawk 1:5 90:19 95:9 moment 27:11 46:20 52:15 55:4 88:7 91:19 97:24 104:3 moments 100:10 money 51:8 month 10:17 22:7 23:5 85:5 months 22:8 23:13,15 26:15,17 27:11,22 28:2 31:15,19 32:13 32:18 33:8 38:3 67:18 85:7 86:16 88:2,4 Montreal 33:14 more 14:13,14 72:7 87:23 96:14,17 morning 6:14 8:14,15 9:12 54:22 57:5 70:4 MOTIONS 110:11 Mountain 3:5 mouth 47:10 moved 23:21 101:9 moving 103:10 much 14:6 31:2 39:6 40:3 62:19 65:23 69:8 79:14 89:23 101:17 103:6	must 43:7 79:20 <hr/> N <hr/> N 3:2 4:2 6:2 110:2 name 6:8 9:25 16:22 41:22 52:9 60:12 61:16 75:21 81:5,7 81:20 82:4 94:14 111:3,5 names 41:20 NASSAU 109:5 Natalone 78:11 nearly 23:24 need 30:21 55:3,7 79:14 89:24 92:20 100:9 needed 24:14,19,20 26:11 34:5,19 36:15 58:21 77:7 never 13:9 40:20,23 49:16 78:17 88:18 88:20 91:20 new 1:3,17 2:15,16 3:16 4:8,8,16 6:13 13:8 46:8 49:7 82:5 85:22 91:4 109:3,8 next 14:3,23 18:7 22:5 66:2 68:5 79:2 89:12 95:18 nine 67:18 Nobody's 75:19 nod 7:11,12 None 12:14 110:7,8,9 110:10,11 NORTHERN 1:3 Notary 2:16 6:4 107:22 109:7 notation 65:25 noted 107:13 nothing 49:3,14 number 68:7,8,15 69:9,10 71:2 numbered 56:9,12 numbers 56:10 <hr/> O <hr/> O 6:2 oath 5:14 object 50:3 92:5 objecting 32:8 objection 19:17,18 26:19 30:7 41:16 43:11 47:8 49:18,19 50:5,7 53:23 63:20 63:21 73:4,6 91:25 92:2,3,11 93:19 97:15,16 99:14 objectionable 50:5 objections 5:8 observations 95:5	odd 74:11 off 12:17,23 13:6 18:12 30:23 36:24 36:25 47:15 55:16 105:20,22 office 22:8,10,21 23:2 23:12,22 25:12,15 29:9 32:19,20,25 36:6,16 58:8,13,22 97:10,20 98:4 102:20 105:2 officer 5:13 42:18,19 42:22 43:13,15,18 43:21,24 44:11 46:16 officers 42:15 45:22 50:10 offices 2:13 4:12 official 65:9 oh 68:22 86:7 101:24 101:24 Ohoka 9:24,25 10:3 10:10,23 11:2,25 13:20 14:4 16:12,16 18:22,22,24 19:6,7 19:10,10,12,14,15 19:16 20:2,3 23:23 25:13 28:21,22 37:4 37:5,10,11 43:18,21 44:5,7,10,14,15 45:5,10,11,15,18,23 46:16 85:10 okay 11:9,16 13:11 18:6,10 20:25 31:20 55:9 57:17 79:17 85:2 86:7 87:6 90:2 96:20 old 7:15 12:7 22:12 42:9 58:9,10 59:21 84:5 98:6 101:10 Olson 84:21 once 60:19 one 8:20 13:4 14:13 14:24 16:6,7,23 20:4,6 22:12 29:17 29:20 32:13 42:9,24 47:23 51:13 52:25 53:3 58:9,10 59:21 63:2,12,18 77:21 84:5 87:21 96:12 98:6 100:17 101:9 101:23 102:9 105:15 106:8 only 32:24 44:23 63:18 73:23 onto 17:11 on-site 95:5 on-the-job 21:8 oOo 5:2,18 open 23:20 25:5 26:2	26:3 76:23 86:16 opened 25:22 27:4,8 27:13 34:20 38:11 53:25 85:5,8,22 86:5 87:21 opening 27:24 28:3,11 28:19 87:9,16,19 88:2 opens 28:9 opposed 74:13 76:3 76:19 order 79:3 89:13 original 69:22 other 7:2 9:18,20 14:5 17:3 20:6 30:4 36:7 36:19 38:19 43:25 44:4,7 45:22 46:15 46:16 50:10,11 60:22 63:25 70:6 73:16 76:19 78:24 87:21 95:19 100:19 101:5 105:13,15 107:9 others 50:13 Otherwise 95:25 out 12:9 17:12 22:8 22:21 23:2,19 24:23 25:3 27:7 29:5,15 30:3,9,14 31:18 32:5,18,24 34:4,12 34:17 36:13 37:9 55:8 60:2 68:7,8 69:9 70:21 76:22 85:20 94:20 106:3,6 outcome 109:18 outside 95:23 100:11 over 6:25 14:24 15:2 17:8 77:19 85:15 101:4 oversaw 20:24 oversee 21:4 overseeing 11:25 own 30:12 47:12 50:20 71:9,10 owned 40:11,13 42:10 42:11 51:4 88:15 89:3,7,8 owner 12:17,18,20 13:8 55:12 110:15 ownership 50:18 owns 39:10 <hr/> P <hr/> P 3:2,2 4:2,2 page 56:14,16 57:19 60:6 61:2 65:25 66:11,17,19,22 68:5 68:5 69:8 110:3 111:9,11,12,14,15 111:17,18,20,21,22	paid 14:8,14,20 17:9 17:20 37:20 75:7 103:23,25 Palmieri 1:23 2:15 109:7,24 paper 94:21 paragraph 94:25 95:16,18 paraphrase 89:2 part 52:18 97:10 participate 8:3 particular 74:6 90:21 parties 5:5 109:16 partner 47:2,14 65:7 partnership 49:16 parts 62:15 paycheck 16:15,18,20 17:16 20:2 38:8 75:14,16,19,23 paychecks 75:9,12 paying 37:22 payment 91:5 95:3,13 payrolls 103:14 people 15:18 20:16 21:4 102:9,16,19 percent 99:2 performed 100:18 101:4 period 26:23 27:6 29:6 35:25 36:12 37:3,15 38:6,22 40:13 53:24 80:7 personal 101:13 103:2 personally 71:17,19 phone 55:3,8 physical 52:2 physically 64:18 place 4:15 10:17 22:12 25:5 34:20 42:9 76:22 83:15,18 107:4 Plaintiff 1:6 3:4 Plaintiff's 55:11,24 57:23 63:8 79:4 89:14 110:13 plan 30:22,23 Plane 33:13 plans 31:4 please 6:9 7:6 82:13 82:21 84:9 96:8 pleasure 87:22,23 point 17:10 22:6,20 23:21 26:9,11 32:14 38:10 49:13 50:16 60:25 62:5 72:22 85:23 86:17 policy 82:9,15 83:23 position 10:7 12:16 13:23 14:3,22,24
---	--	--	--	--

15:24 17:8 18:2,7 18:10,20 20:8 21:3 21:11 22:5 28:20,24 51:9 60:18,20 82:2 85:22 86:3 pre 107:3 premises 44:16 prepare 8:6,19 prepared 12:15 preprinted 68:13 present 4:9 11:8 38:23 94:21 presented 64:17,18 president 1:8 3:13 4:5 39:20,24,25 40:21 40:23 42:25 43:2 44:12,13 45:10,17 46:4,21,22 49:2,5 51:9 54:12 55:19 56:24 61:18 62:4 64:22,25 65:10 66:2 66:3 70:7 71:21 75:9 76:14,16 78:18 80:19,22 81:15 84:4 90:18,23 99:6 111:3 pretty 14:6 23:25,25 24:4 62:9 70:19 101:17 102:3 prices 30:16 31:5 prior 21:2 22:13,22 25:6,22 26:6,20 28:3 38:4 53:12 54:7 57:25 77:13 100:24 106:10,20 probably 13:24 20:10 22:4 27:8,13 29:13 33:10 65:11 92:25 102:8 proceeded 59:20 processor 93:12 project 24:25 27:19 29:15 31:18 32:18 32:25 48:23 67:18 74:21,25 76:7,13,23 81:8,12,14 87:15 98:13 102:17,20 105:5,9,13 106:20 projects 53:11,15 100:19 104:23 promoted 17:7 promotion 15:2 prompted 13:5 property 12:17,19,24 13:6,8,10 15:17 105:20,23 pry 14:10 Public 2:16 6:4 107:22 109:7 purpose 95:15 put 12:18 14:4 31:8	34:16 46:25 47:9 48:14 56:3 64:12,14 81:4 putting 26:5 35:6 36:8 47:5 P.C 3:3 p.m 107:13 <hr/> Q <hr/> qualified 21:4 quality 95:10 question 5:9 7:7 32:7 32:9 49:22 50:4,6 54:2,5 92:22 94:5 96:8,22 106:21 107:2 questions 6:24 32:4 40:20 82:20 84:9,12 93:24 96:14,18 100:8 104:4,6 107:10 Quite 92:13 <hr/> R <hr/> R 3:2 4:2 6:2,2 109:2 raise 15:5 ran 11:18 20:14 102:20 rank 76:14 Ransom 79:5 81:19 81:24 82:11,24 83:4 83:8 84:11 110:17 rather 73:24 re 82:8 read 62:13,14 64:7 96:8,21,23 reading 62:15 64:10 83:6 95:25 ready 79:16 89:25 realize 64:21 really 22:19 74:7 96:9 reason 17:2 73:24 111:6,9,11,12,14,15 111:17,18,20,21,22 recall 8:24 10:14 26:16 27:5 29:3 42:6 47:19 51:12,15 54:14,17 58:4 63:10 66:21 69:15,17 70:6 80:4,5 82:23 83:16 83:17,19,20 84:11 90:13,15,22 91:9,23 104:24 106:9,19,21 106:23 107:3 reception 20:17 Recess 55:10 recognize 79:25 82:3 90:6,7,9 recollection 68:25 83:7,11	record 6:8 7:12 36:24 36:25 51:24 55:16 96:23 109:13 111:7 reference 56:11 referenced 82:15 referring 9:4 22:11 105:11 refresh 83:7 refreshes 68:24 Regis 1:4,8 3:13 4:5 39:20 81:15 84:4 90:18,19 95:9 111:3 registers 71:14 Reitano 21:17,20 rel 1:4 related 109:16 relation 101:13,13 relationship 96:25 97:3,6 99:9 101:21 relies 102:9 rely 102:5 remember 10:18 11:15 16:17,17,19 17:11,15,19,21,25 18:19 19:5 22:7 23:4,4,6,12 25:21 29:20,23 35:11,12 37:19,24 38:9,9 42:5,7,10,21 44:19 44:21,22,25 48:2,9 48:10,11,22,23 49:14 50:10,22 51:2 51:4,5 54:18 57:10 58:6,20 59:6 61:4,4 61:14,15 62:15 63:3 63:11,17,23 64:19 66:21 67:14,14 68:3 68:20 69:3,6 70:9 70:20,23 71:2 75:22 75:24,25 84:2 86:18 86:21 87:2,16,17,24 93:4,5,10,13 100:21 103:4,8,9 104:15,16 105:4 remembered 100:17 renovated 100:22 renovating 14:7 105:3 renovation 105:13 Rent 33:18 rephrase 32:10 49:25 reported 1:23 74:21 reporter 7:2,8 55:15 79:8 89:18 represent 27:3 representation 27:10 representing 6:23 REQUESTS 110:6,10 reserved 5:9 reserving 50:7 respect 95:2	respected 101:23 respective 5:5 response 59:8 resumed 38:12 retain 69:18 review 8:18,25 9:18 56:4 62:10 89:24 90:3,12 reviewed 54:22 57:5 reviewing 100:15 Richard 1:16 2:12 6:10 56:23 61:17 62:3 79:5 82:22 89:15 107:16 109:10 110:4,18,20 111:5,25 right 7:9 11:8,14 13:21 15:8 16:12 18:25 23:24 27:17 34:20,22 36:9 38:14 46:13 52:11 53:22 53:24 55:17 56:7 59:13 68:22 74:23 75:2 78:18,22,23 80:6,10,11,13 82:6 86:8 87:10 88:12,19 89:19 91:24 100:4,6 105:24 106:25 righthand 56:10 Road 3:5 22:12 42:9 58:9,10 59:21 84:5 98:6 101:10 Roger 34:8 74:22 97:23 103:18 role 72:4 room 9:21 60:3,21 roughly 12:7 13:25 16:11,15 17:16 18:4 18:14 21:24 27:23 28:6 29:6 36:2 37:15 45:4 70:24 85:5,19 rule 50:3 RULINGS 110:8 run 102:10 running 13:19 106:3 106:6 R-e-i-t-a-n-o 21:19 R.B 84:17 R.C 1:8 3:13 4:5 39:20 66:4 80:19 81:15 84:4 90:18 111:3 <hr/> S <hr/> S 3:2 4:2 safe 40:19 Saint 1:4 3:13 4:5 39:20 81:15 84:4 90:18,19 95:9 111:3	salaried 17:13 salary 14:8 17:11 sales 10:5,9 18:11 85:9,13,14,24,25 86:6,9,12 same 5:6,14 59:5 104:21 sarcastic 94:6 saw 13:9 57:8 saying 68:20 103:17 says 56:18 66:3 67:18 81:5,7,8 84:8 90:20 91:2 94:24 95:24 scattered 65:21 Schiffman 77:9,17 102:23,24 school 7:19,20,23 11:7 12:5 38:22 sealing 5:6 second 41:18 50:2 66:18 86:7 87:8 secretaries 102:24 secretary 84:23,24 103:3 section 67:2,15,25 68:9 69:9 sections 66:12,23 security 11:18,19 12:2 12:10 13:3,13,19,20 14:5,18 15:3,7,22 16:5,14 17:23 21:3 45:5 48:6 see 13:11 56:15,18 57:11,18 60:9 61:16 63:4 66:5,12 67:6 67:19 68:9 69:11 70:3 73:21 81:8 82:9 84:18 91:5,16 94:12 seeing 61:5 seems 66:4 seen 57:25 62:24 63:2 79:18 SEFF 3:7 6:7 26:22 26:25 30:10 31:17 31:24 32:3,8 36:24 49:20 52:5 54:4,24 55:5,9,16 63:15 70:12 73:8 79:2 87:3,7 89:12 92:4,7 92:18 93:21,24 94:4 96:3,7,17,21 97:17 98:20 99:4 100:7 104:3,7 107:9 110:4 send 31:4 sentence 94:25 separately 8:11 sequentially 56:2 set 32:23 109:11,20 several 105:19
---	---	---	--	--

shareholders 51:12 shares 50:20 51:4 SHEET 111:2 SHEREFF 4:3 short 40:2 101:9 show 89:20 showing 79:9 side 6:24 sign 46:12 49:11 58:11,14,22,25 59:9 59:12,21 60:22 61:6 61:10 63:22,24 64:2 64:5,7,10 70:14 73:10 74:9,13 75:9 75:12,13,15,19 81:4 92:25 93:6 signator 38:10 73:11 73:13 signature 56:15,21 60:6,7,10 61:3,5 62:5 79:12,25 81:6 90:9,16 signed 5:13,15 16:19 17:15 55:19 57:9,22 58:7 59:5 60:25 61:12,13 62:6,11 63:7,12,13,19 65:13 65:18 66:20 67:12 68:2,16 69:16,19,22 69:22 70:4 72:23 73:24 74:6 79:21 89:22 90:8 91:4 100:24 signing 38:7 54:14,17 54:18 58:4 59:24 64:22 65:8,16,17 70:6 73:2,16,19 80:4,22 90:13 92:23 signs 73:22 since 11:7 13:16,17 28:25 38:17,18 53:16 63:12,17 77:21 Sincerely 82:22 single 44:23 sit 69:24 86:23 87:4 88:25 103:17 site 25:20 sitting 93:10,13 slash 84:17 sold 101:7,8 some 6:24 23:19 26:9 29:12,12,16,21 30:2 34:18 48:15 49:13 50:7 56:19 62:14,18 63:3 65:20 66:3,5 66:11 68:6 69:7 93:11 102:24 105:2 106:19 somebody 21:14	24:13 30:20 60:3 someone 67:4 something 32:5 46:25 47:6 48:14 63:6 64:10 73:10 83:21 83:25 86:20 Sometimes 64:8,8 somewhere 25:13 sorry 28:17 85:15 sort 34:14 50:18 93:11 97:4 sorts 36:17 sounded 44:23 48:18 48:19 sounds 93:16 speak 8:10,16 9:20 speaking 7:6 speaks 91:12 93:20 95:21 96:2 specifications 95:12 speculate 19:3 50:24 98:17,24,25 spell 21:18 spelled 68:6 spoke 8:7 83:7 ss 109:4 ST 1:8 stages 24:7 stamp 75:20 stamped 75:21 standard 55:11 62:17 62:20 110:14 start 30:23 32:22 34:16 started 10:12,19 11:17 12:9 13:18 17:12 18:8,12 21:24 23:17 27:18 29:8,14 33:5 37:8 38:13 45:2 47:22,25 89:4 89:6 101:18 starting 11:7 State 2:16 6:8 46:8 49:8 91:3 96:15 109:3,8 stated 95:20 STATES 1:2,4 stating 58:24 stay 35:15 stayed 102:3 steel 26:5 29:20 30:17 30:21 step 55:8 100:11 stepped 21:6 still 17:9,24 38:7 41:12 86:15 88:5 100:2,3 105:23 STIPULATED 5:3,7 5:11 stopped 26:12,14,14	Stowe 3:6 street 104:14 Strike 54:4 stuff 71:24,24 77:7 subcontractors 30:5 30:15 32:15,21 95:3 Subscribed 107:18 subset 19:16 substantial 67:16 suggested 47:5 suite 84:5 sum 92:21 summing 92:14 superior 76:8 sure 15:15 17:5,6 20:4 20:24 21:13 25:8 64:20 69:5 70:19 93:18 94:12 99:2 106:11 surprise 64:23 80:24 SWIDLER 4:3 swore 60:2 sworn 5:12,15 6:3 107:18 109:12	testifying 52:3 83:14 83:17 86:25 testimony 31:21 53:21 91:23 92:8,15 92:18 109:13 thank 85:2 their 95:10 thing 32:24 51:3 65:9 104:21 things 29:13 32:14 34:6,14 36:7,15,17 43:13 52:2 63:23,25 63:25 64:5,7 73:22 74:16,17 77:6 81:3 100:15 101:5 102:5 think 11:2 17:2 18:8 18:21,25 19:2 21:23 23:17 26:4,20 27:11 30:8 32:4,6 36:22 41:22 47:23 48:22 52:2 53:18 65:15,17 73:8 74:11 87:20,20 94:14 96:11 99:19 99:23 100:16 102:2 102:11 106:23 Thornton 24:23,24 25:3,6,9,10,16 26:7 29:5,9 31:9,11 34:5 34:13 35:2 36:14 58:12,19,21 59:2,9 60:5 64:16,20 74:21 74:22,25 76:3,5 102:22 104:22 105:12 Thornton's 75:13,15 103:2 thorough 43:8 though 20:19 22:13 54:11 60:17 105:22 thought 64:16 97:24 99:7 three 23:13,14 26:17 27:11,22 28:2 31:15 31:19 32:13,18 33:8 35:24 38:3 three-month 27:6 29:6 35:25 37:15 38:6 53:24 threw 12:17,23 105:20,22 through 37:20 38:23 43:6 55:25 56:12 65:24 101:19 throughout 65:21 92:15 throw 13:6 Thursday 1:18 time 5:9 10:15 12:25 13:2 17:10 20:13 21:12 25:7,19,25	26:24 29:17 35:23 36:3 37:13,25 38:21 40:17 42:6,12,16 45:3,14,23 48:4 50:8 51:20 57:7 65:13 77:24 79:14 80:6 87:21 89:23 98:21 101:6,9 103:25 105:4,6,7 107:13 times 6:18,19 25:23 33:7,10,23,25 35:9 63:4 78:7 title 10:4 14:23 16:4,8 18:16 42:23 44:10 45:13,17 60:16 72:12 81:11 TJM 1:8 today 8:3,19 69:24 86:24 87:5 88:25 99:13,20 today's 8:6 together 8:10 31:8 34:16 35:7 36:8 47:2,5 48:14 60:23 61:7 told 13:7 59:11 74:8 92:25 93:5 Tom 21:17 trained 21:20 training 12:12 21:9 21:14 transcription 111:8 transpire 59:17 traveled 33:8 traveling 29:14 33:5 trial 5:10 tribe 1:5 90:20,24 95:9 99:6 true 14:16 15:21 109:13 try 6:25 7:5 11:14 trying 8:23 10:16 19:19 30:10 32:11 47:9,10 58:20 87:17 94:10 two 6:19 9:21 35:24 66:23 101:11 two-month 36:12 type 39:7 40:4 51:3 68:4 88:14 91:22 93:17,18 94:7,17,21 typed 61:22 62:5,18 68:7 93:22,23 94:9 94:13 typeface 68:12 types 63:25 typewriter 68:12 typewritten 57:19 61:17
--	--	--	---	--

<p>typically 64:7 typing 7:2 93:14</p> <hr/> <p>U</p> <p>Uh-hmm 28:14 33:15 61:19 66:6 79:22 under 15:19 56:19 67:25 81:5 82:4 underneath 81:7 understand 7:3,13 19:9,19,21,23 20:23 30:10 32:11,15 47:10 49:23,24 50:6 50:8 60:15 65:12 76:10 77:2 87:3 94:11 97:12 99:8 understanding 52:4,6 72:25 97:19 98:21 98:22 understands 96:4 understood 49:20 92:4 94:4 undertaken 100:20 UNITED 1:2,4 unnecessary 96:10 until 7:6 22:20 27:23 53:21 102:23 upper 91:16 urgency 74:5 use 63:6 used 97:17 106:4 using 7:25</p> <hr/> <p>V</p> <p>various 101:4,17 102:6,10 103:12 106:4 Ventures 11:18,20 13:19 14:19 16:5,25 17:3,24 43:16 verbally 7:10 Vermont 3:6 very 101:22 visit 26:21 87:18 vs 1:7 111:3</p> <hr/> <p>W</p> <p>wait 7:6 50:3 55:4 92:3,11 waived 5:6 Walter 60:8,12,14 78:8 want 19:3 31:22 95:22 96:15 98:16 wanted 25:2 46:25 47:14 65:22 Warren 77:9 102:22 wasn't 18:21 25:16 36:5 48:24 52:18 58:15 61:9 73:9,25</p>	<p>84:7 way 11:4 16:4 36:13 38:3 47:23 48:15 59:16 76:19 84:15 109:17 wedding 20:20,25 weddings 20:14 21:5 85:10 week 14:13,14 weeks 29:14 well 15:22 18:12 31:4 41:18 42:23 45:13 47:7 48:10 62:16 64:13 65:5 73:20 80:6 101:6 102:21 went 17:11,23 20:25 22:7,20 23:2 24:7 25:19,23 26:2 29:9 32:21 35:15 49:16 55:25 61:9 86:5 105:8,8 were 11:19 12:7,24 14:7,9,19 15:21 16:11 17:7,9,17,20 18:20 19:25 21:8 23:15,17,25 24:3,6 26:4 27:6 28:10,13 29:19,24 34:2,3,12 34:25 36:3,7 37:4,9 37:10 42:16,19 43:2 43:6,7,15,18,21,24 44:11,13 45:4,14,22 46:3,5,15,21 48:3,5 48:6,7 50:13 51:13 51:13,16 54:12 55:18 56:7,10 58:6 62:3,22,25 63:4 64:22,22 65:15 70:21 71:6 73:2,13 74:12,20 76:18 77:6 78:21 80:22 81:14 82:24 85:3,8,11,18 86:9,11 95:13 100:15,19 101:5 102:19 103:6,23 105:3 weren't 106:11 West 22:16 39:15 88:17,23 98:6 We'll 6:25 39:25 41:5 46:13 We're 55:25 85:21 107:12 we've 37:15 55:23 56:2 80:7,12 whatsoever 83:12 WHEREOF 109:19 whichever 38:8 while 14:7 16:2 whole 48:24 105:4</p>	<p>William 24:24 74:22 102:21 Willis 2:14 3:15 window 80:11 witness 6:3,25 19:4 36:22 49:20 52:3 54:2 55:7 59:25 92:10 94:3,4 98:25 100:8,12 109:10,14 109:19 110:3 111:5 witnessed 59:24 word 56:19 66:2 93:11 97:17 106:4 worded 54:5 words 30:4,12 47:9,12 56:23 60:22 61:17 62:3 68:6,15 73:16 work 11:5 23:11 25:12,13,13 29:11 30:5 67:17 77:16 78:2,8,10,13 85:8 89:9,11 95:11 98:3 98:10 worked 11:11 14:13 14:18 25:15 27:12 27:21 37:17 38:20 39:16 40:21,23 53:12,16 75:6 77:23 78:17 88:18,20 91:20 98:2,14 99:7 101:16 103:12,18 103:19 104:25 working 13:2,18 15:18 22:14 27:18 38:13 63:2 64:4,6 74:20 76:11 77:3 78:21 101:18 works 97:21 wouldn't 13:9 52:21 write 82:11 93:8 94:20 written 66:25 67:11 68:4 69:10 81:19 wrong 92:21</p> <hr/> <p>X</p> <p>X 1:11 110:2</p> <hr/> <p>Y</p> <p>year 7:22 10:17 12:4 17:11 20:10,10 22:2 22:3 23:6,10,16 26:10 38:3,4 44:19 44:20,21,23,24,25 48:2,11 57:15 85:4 85:19,19,21 101:11 104:16 years 10:8,10,16,21 10:22,25 11:3,12 13:24 14:16 16:3,10</p>	<p>17:16 18:3 47:25 101:4,11 104:16 105:19 106:11,12 yesterday 55:25 York 1:3,17 2:15,16 3:16 4:8,8,16 6:13 46:8 49:7 82:5 91:4 109:3,8</p> <hr/> <p>\$</p> <p>\$14,180,564 68:8 \$16,500,000 82:17 \$5,000 82:19</p> <hr/> <p>0</p> <p>0 69:9 02-CV0845 1:7</p> <hr/> <p>1</p> <p>1 55:25 82:16 111:7 1/11/98 55:13 110:16 10:00 2:8 100 99:2 110:5 10174 4:8 104 110:4 1098 1:24 11 28:9,19 57:13,21 64:15 87:12 11th 57:12 11501 3:16 11735 6:13 11743 4:16 12:10 107:13 125 3:5 13 85:7 86:16 135 22:16 39:15 88:17 88:23 98:6,8 1564 56:12 66:17,19 1565 66:12,23 1566 68:5 1567 69:8 1571 56:12,14 60:7 61:2 16 89:16,22 1654 57:19 65:25 18-years 12:7 190 2:14 3:15 1983 7:24 11:17 13:18 77:21 1988 13:25 45:3 101:18 1998 18:4,14 21:24 45:4 57:16,17,21 62:23 64:15 100:25 103:6 106:11,17 1999 10:12 23:8,16 27:4,15 28:8,9,20 29:7 36:2 37:3 54:8 78:20,21 79:12 80:9 83:22 84:6 87:13</p>	<p>98:12</p> <hr/> <p>2</p> <p>2 4:15 82:18 111:7 2/4/99 79:6 110:18 20 10:22,25 14:16 2000 40:14 85:4 86:11 86:14 89:3,16,22 90:14 92:24 2004 1:18 2:7 25 1:18 2:7</p> <hr/> <p>3</p> <p>3 111:8 3.1 66:12 67:2 69:4 3.2 66:12 67:15,25 69:4 3/25/04 111:4 38 7:16</p> <hr/> <p>4</p> <p>4 68:5 79:12 80:9 4.1 68:9 405 4:7 420 84:5</p> <hr/> <p>5</p> <p>5 69:10 5.6.1 69:9 5/16/00 110:21 55 55:25 110:14,16 56 55:11,24,24 57:23 62:11 63:9,13 65:9 73:24 106:16 110:17 57 79:4,10 110:19 58 89:14,21 90:4</p> <hr/> <p>6</p> <p>6 110:4</p> <hr/> <p>7</p> <p>79 110:18</p> <hr/> <p>8</p> <p>8 6:12 83 11:22 14:19 16:15 38:23 88 14:19,22 16:10,15 101:25 105:18 89 101:25 110:21</p> <hr/> <p>9</p> <p>90 67:5 91 102:2 93 101:7 95672 3:6 96 101:8 98 16:11 40:14 85:18 89:3 106:20 107:3</p>
--	---	---	--	---

99 23:7,10 26:10
27:13,16,16 28:6
37:7,8,14 53:22
80:21 88:5